

Thursday 16 May 2024 - 10.00 a.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

In terms of Section 5 of the Code of Conduct, members are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **CIVIC BUSINESS BULLETIN** 3 - 4
4. **MINUTE** – Minute of the meeting of Fife Council of 21 March 2024. 5 - 20
5. **MINUTES OF COMMITTEES AND SUB-COMMITTEES**

Minutes of meetings of the Council's committees and sub-committees, as contained in the volume of minutes uploaded to the intranet and Fife Council website, are submitted for accuracy.
6. **LEADERS' REPORT** 21 - 24
7. **QUESTION TIME** 25 - 28
8. **GOVERNANCE ARRANGEMENTS – LISTS OF COMMITTEE AND OFFICER POWERS** – Report by the Executive Director (Finance and Corporate Services). 29 – 103
9. **GOVERNANCE ARRANGEMENTS - FINANCIAL REGULATIONS** – Report by the Head of Finance. 104 - 141
10. **NOTICE OF MOTIONS** – Report by the Executive Director (Finance and Corporate Services). 142 - 147
11. **BUSINESS BROUGHT FORWARD BY THE PROVOST AS A MATTER OF URGENCY**

Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
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9 May 2024

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Agendas and papers for all Committee meetings can be accessed on
www.fife.gov.uk/committees

BLENDING MEETING NOTICE

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

Civic Business Bulletin

Former Councillor Margaret Logan

Long serving, former Rosyth councillor, Margaret Logan passed away recently at the age of 91. Margaret represented her home town on Dunfermline District Council from 1984 to 1996 and then on Fife Council from 1995 to 2003.

She was instrumental in getting the Superfast Euro ferry link to Zeebrugge from Rosyth port. A committed Labour member and trade unionist, Margaret continued to be an active campaigner well into her retirement. She remained involved in a host of community groups and community activity well into her later years.

She will be missed by many and our thoughts are with her family at this sad time.

Levenmouth Academy – Gold Standard Award

Levenmouth Academy has become one of the first schools in Scotland to be awarded a Gold standard in the Carnegie Centre of Excellence for Mental Health in Schools scheme. The school was rated Gold standard for its outstanding mental health and wellbeing provision.

Good mental health and wellbeing are now at the heart of the school, with a wide range of universal and targeted activities to boost the wellbeing of pupils and staff. This work has included a significant increase in the capacity of their Pupil Support provision. By increasing the number of full-time Principal Teachers of Guidance (PTG) by 50% they can now provide a higher level of personalised support for young people and families.

The school has also doubled Personal & Social Education (PSE) time for all young people to help the development of strong relationships and give more time to focus on issues like mental wellbeing in the curriculum.

The school also has an extensive extracurricular programme for young people. Over 60 activities are available for young people every week with a focus on physical activity to support good mental health. Staff are also supported in their mental wellbeing through the weekly choir, yoga, football and bake & blether sessions.

Auchmuty High School – Character Kitemark

Congratulations must also go Auchmuty High School which has become the first secondary school in Scotland to achieve the Character Kitemark.

The kitemark is a very prestigious award and recognises schools that demonstrate a planned and reflective approach to the cultivation of positive character qualities in their students, which allows them to grow, flourish and achieve.

The scheme is well-established in England, with over 200 schools securing the kitemark and there are plans to expand the scheme throughout Scotland. The mission is to enable schools on their journey to put character and values at the heart of all that they do. They

believe that, in doing so, they support their young people to flourish, and transform the ethos and culture of their schools.

This has been a big priority for Auchmuty. Their Character Working Group (led by Craig Finlay) has worked extremely hard over the past two years on this and they are, quite rightly, delighted with their award.

Kirkcaldy Sports and Leisure Alliance - Youth Sport Trust Award Winner for 'Outstanding Contribution to the Community'

DYW Fife (Developing the Young Workforce) has been recognized nationally for this partnership project involving St Andrews RC, Balwearie, Kirkcaldy and Viewforth High Schools. The initiative involves 60 targeted young people in S3 who have been working with partners from Youth Sport Trust (Set for Success), Active Schools, Fife Sport Leisure Trust, Active Communities, Fife Golf Trust and other local sports clubs to develop key skills and qualifications related to this sector.

Many congratulations to the schools and young people involved.

Courier Food and Drink Awards

At the recent Courier Awards, three Fife businesses received recognition:-

- Restaurant of the Year – The Boars Head (Auchtermuchty)
- Street Vendor of the Year – Choola Nepalese Street Food
- Sustainability Award – Greenhead Growers (Burntisland)

Scottish Excellence Awards

Jack Coghill received Highly Commended Young Chef of the Year.

Provost's Recognition Reception

The reception will take place on 6th June 2024 and as this falls within Volunteers' Week, volunteers from the Children's Panel, Breathe Easy, Big Hoose Project, RNLI and the Peacocks of Pittencrieff Park are being invited to attend.

Breathe Easy is celebrating 20 years and the RNIL is celebrating 200 years.

Quick thinking Council Employees

Finally, thanks must go to Safer Communities Officers Vince and Zak who helped a dog to safety following its fall into the River Leven and Street Cleansing Chargehand, Darren Donovan, whose quick actions prevented a blaze from spreading in the North Porch at Dunfermline Abbey.

THE FIFE COUNCIL - FIFE COUNCIL - BLENDED MEETING

Council Chamber, 6th Floor, Fife House, North Street, Glenrothes

21 March 2024

10.00 am - 1.20 pm

PRESENT: Councillors Jim Leishman (Convener), Tom Adams, David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alistair Bain, David Barratt, Auxi Barrera, John Beare, Aude Boubaker-Calder, Patrick Browne, James Calder, Ken Caldwell, Alistair Cameron, Ian Cameron, Alex Campbell, Rod Cavanagh, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, Derek Glen, Brian Goodall, Peter Gulline, Jean Hall-Muir, Judy Hamilton, Alycia Hayes, Cara Hilton, Stefan Hoggan-Radu, Gary Holt, Andy Jackson, Margaret Kennedy, Louise Kennedy-Dalby, Allan Knox, Robin Lawson, James Leslie, Kathleen Leslie, Rosemary Liewald, Carol Lindsay, Jane Ann Liston, Mary Lockhart, Donald Lothian, David MacDiarmid, Julie MacDougall, Lea McLelland, Lynn Mowatt, Sarah Neal, Derek Noble, John O'Brien, Nicola Patrick, Gordon Pryde, Bailey-Lee Robb, David Ross, Sam Steele, Alistair Suttie, Jonny Tepp, Ann Verner, Ross Vettraino, Craig Walker, Darren Watt, Daniel Wilson, Jan Wincott and Conner Young.

APOLOGIES FOR ABSENCE: Councillors John Caffrey, David Graham, Allan Knox and Andrew Verrecchia.

113 DECLARATIONS OF INTEREST

No declarations of interest were submitted in terms of Standing Order No. 22.

114. CIVIC BUSINESS BULLETIN

Decision

The council noted the Civic Business Bulletin.

115. MINUTE

The Provost, seconded by Councillor Craik, moved that the minutes of 7 December 2023 and 22 February 2024 be approved.

Decision

The council approved the minutes.

116. MINUTES OF COMMITTEES AND SUB-COMMITTEES

Minutes of the undernoted committees and sub-committees, as contained in the volume of minutes, were submitted for accuracy:-

- (1) West and Central Planning Committee of 6 December 2023, 10 January and 7 February 2024.

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- (2) North East Planning Committee of 15 November and 13 December 2023, 17 January and 14 February 2024.
- (3) Fife Planning Review Body of 11 December 2023 and 26 February 2024.
- (4) Regulation and Licensing Committee of 5 December 2023, 16 January and 13 February 2024.
- (5) Cabinet Committee of 30 November 2023, 11 January and 8 February 2024.
- (6) Standards, Audit and Risk Committee of 9 November 2023 and 18 January 2024.
- (7) Pensions Committee of 14 December 2023.
- (8) Glenrothes Area Committee of 22 November 2023 and 31 January 2024.
- (9) Levenmouth Area Committee of 22 November 2023 and 24 January 2024.
- (10) City of Dunfermline Area Committee of 12 December 2023 and 6 February 2024.
- (11) Kirkcaldy Area Committee of 19 December 2023 and 27 February 2024.
- (12) North East Fife Area Committee of 6 December 2023 and 28 February 2024.
- (13) Cowdenbeath Area Committee of 20 December 2023 and 28 February 2024.
- (14) South and West Fife Area Committee of 13 December 2023 and 14 February 2024.
- (15) Education Scrutiny Committee of 9 January 2024.
- (16) Finance, Economy and Corporate Services Scrutiny Committee of 25 January 2024.
- (17) People and Communities Scrutiny Committee of 29 February 2024.
- (18) Environment, Transportation and Climate Change Scrutiny Committee of 28 November 2023 and 23 January 2024.
- (19) Fife Health and Social Care Integration Joint Board of 24 November 2023.

Decision

The council noted the minutes.

117. LEADER'S REPORT

The council considered a report by the Leader of the Council on a number of strategic issues. The Leader provided updates on a number of issues in response to questions from members. The Leader also gave a brief update in relation to Babcock International advising that it had been announced this week that they had won the prestigious MoD Sanctuary Award in the Social Value category and the Leader, on behalf of the Council, congratulated them on this achievement.

Decision

The council noted the Leader's report.

Councillor Erskine left the meeting during consideration of the above item.

118. QUESTION TIME

In terms of Standing Order No. 9.3, the following questions were submitted:-

Question 1 from Councillor Sean Dillon

Following a freedom of information request, it has been found that there are currently 77 streets in Fife with streetlights that have outstanding repairs. The first of these was reported in March 2023. Could the Administration update councillors on what progress is being made to resolve this matter and will they commit to putting pressure on Scottish Power to see these repairs resolved as soon as possible?

Answer (Spokesperson for Finance, Economy and Strategic Planning)

The faults highlighted relate to Scottish Power apparatus. Roads and Transportation Services have been liaising with Scottish Power over the past 6-9 months to emphasise the need for improved performance. Following that, Scottish Power appointed a new sub-contractor in November and the level of outstanding faults have begun to reduce. As of mid-March, the number of faults, while still too high, has reduced to 48, these faults relate to single and multiple column networks. Roads and Transportation Services will continue to liaise with Scottish Power and push for improved performance and target time levels of repair.

Supplementary Question

Can the Administration confirm that they will request Scottish Power give a timescale for the 48 outstanding repairs.

Answer (Spokesperson for Finance, Economy and Strategic Planning)

Happy to arrange that. Will provide the detail. If there are specific ones, we can find out the detail.

Question 2 from Councillor Nicola Patrick

On the 4th May 2023 cabinet committee received an update on how services were working together to tackle damp and mould in domestic properties owned by fife council.

When will the service provide an update report to cabinet on the progress made, which will also address: the waiting times for inspections and rectifications, and how many properties have had to be revisited after initial works were undertaken to resolve reoccurring issues/complaints from tenants.

Answer (Spokesperson for Housing and Building Services)

Housing Services are planning to bring an update around the mould and damp to People and Community Scrutiny Committee by Autumn 2024. Since reporting on the subject to both Cabinet and Scrutiny Committees, we have experienced a significant upturn in complaints and are currently working through a 300-complaint backlog. Officers have taken steps to enhance the staff resource. The Staff Team will be moving onto DRS where complaints are directly schedule for appointments through the Contact Centre in April and this will reduce the time spent on administration duties.

The general response to complaints has ranged from initiating repairs to leaking roofs, guttering and windows to providing advice and support Guidance and advice was provided to tenants where evidence of condensation was present. Hydrometers were left with tenants to monitor moisture levels to encourage them to actively ventilate the property more when relative humidity is at risk of causing

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condensation. The Service is also testing 180 Environmental Sensors in the worst affected properties to continually monitor air quality and moisture content in the property. This will assist to provide further assistance measures to tenants with significant condensation issues.

Supplementary Question

If the fast and effective response from the service was agreed with the spokesperson, why are we having to provide £90,000 to a third party to carry out additional inspections for us?

Answer (Spokesperson for Housing and Building Services)

It is usual that contractors carry out some of our external work and we do use an external contractor as well as our own service although we are bringing as much of those services back in-house as we can.

Question 3 from Councillor Sean Dillon

How many dog attacks have Safer Communities responded to over the last 12 months?

Answer (Councillor Altany Craik in the absence of the Spokesperson for Communities and Leisure Services)

These are the stats for our **Aggressive Dog reports** for the last couple of years (and up to today for 2024):

	Reports	DCNs Issued	Warnings issued
2022	575	34	80
2023	610	33	71
2024	108	4	2

DCNs = Dog Control Notices

Actual dog attacks are normally reported to Police Scotland directly rather than through Safer Communities.

Supplementary Question

Can the Administration provide the number of attacks involving dogs that have previously been issued with Dog Control Notices?

Answer (Councillor Altany Craik in the absence of the Spokesperson for Communities and Leisure Services)

Don't have that data but can get that to you.

Question 4 from Councillor Rosemary Liewald

I am aware that work has taken place in regard to timeframes for Housing Functional Needs Assessments to be carried out.

I am also aware that this work is broken down into priority categories.

Can I ask for a breakdown of each category with timeframes for each.

Answer (Spokesperson for Housing and Building Services)

In relation to Fife Housing Register Housing Functional Needs Assessments, the service does not operate a priority system - all applications are dealt with in date order. We deal with oldest applications first. At present, we are operating to our published target time as outlined within the Housing Allocations Policy and we recently reported to the People and Communities Scrutiny Committee.

The health assessment will be carried out independently of the initial application assessment and will take up to 4 weeks”.

Within this time frame it is possible for some applications to be "fast tracked" by the Housing Options Officer if the applicant has an offer of Housing or is in delayed discharge at Hospital etc. but this is all within the 4-week target time.

There is an ongoing review of the Housing Functional Needs Assessment process and a set of recommendations will be developed around this. This will feature as part of the wider review of the Housing Allocations policy and will be fully consulted on.

Supplementary Question

Can I ask that, once the assessment form is completed and submitted, what is the timeframe for approval of work to completion being carried out and does this require then an additional visit from our OTT? This is in regard to work being carried out as a preventative measure where we wish our clients to remain in their home for as long as possible. So, are these face to face or are these conversations taking place over the 'phone and also, given the fact that this is a ten page questionnaire with approximately 60 questions to fill in and at least 20 of these questions all requiring a statement, can you give me a response to that please.

Answer (Spokesperson for Housing and Building Services)

My understanding is that some of the assessments are done on a desktop and some are done face to face depending - they will be triaged. We do have a variety of people in a team of community OTs and we have housing OTs and we have OT assistants as well so, working across that team, applications are triaged and people will work out then whether they need a desktop assessment or whether they need face to face assessment.

Question 5 from Councillor Rosemary Liewald

- 1) What assessment has the Housing Service made in relation to addressing the energy-inefficient housing ('non traditional/steel framed' homes and those with an Energy Performance Certificate (EPC) rating of below C)?
- 2) How many council domestic properties fall into the category of being energy-inefficient housing ('non traditional/steel framed' homes and those with an Energy Performance Certificate (EPC) rating of below C)?
- 3) When will we have a report to Cabinet Committee with a funded programme to address the poor insulation in energy-inefficient housing ('non traditional/steel framed' homes and those with an Energy Performance Certificate (EPC) rating of below C), including the options of internally insulating these properties?

Answer (Spokesperson for Housing and Building Services)

As part of the development of the EESSH2 Delivery Plan, Housing Services have commissioned framework consultant, Changeworks, to carry out an analysis of the 2,500 non-traditional housing stock left to be improved to assess the technical solutions and cost for improving the energy efficiency standards across a range of options for all property architypes.

The non-traditional architypes assessed are Blockwork, Concrete Panel, Brick, Timber, Steel Framed and Precast Re-inforced Concrete.

The analysis for energy efficiency improvements included a range of improvement standards ranging from current baseline condition, EESSH, Net Zero Housing Standard and Enerphit standards.

The range of improvement standards are being assessed against our current stock profile and individual costs and aggregated programme are being quantified. This assessment will be completed by April 2024 with the summary of measures and costs presented to Cabinet Committee by August 2024. Funding for the proposed improvements will be assessed as part of the HRA Capital Plan review and will be timelined over a number of years to complete.

There are 485 steel framed properties that are part of our stock that require to be improved. The minimum EESSH2 / Social Housing Net Zero Standard cost would be approximately £25k per property for a structural external wall insulation solution. Internal wall insulation (IWI) as a technical solution will also cost around £25k per house and £12.5k for flats. These costs do not include applying IWI to kitchens and bathrooms. If kitchens and bathrooms were to be removed and replaced as part of the energy efficiency works the estimated cost would be approximately £37k for a house.

Supplementary Question

When will this work begin as I have residents who were actually spoken to about this going back at least five years in regard to the ones in the steel framed properties and what do we have in terms of a budget that's been laid out for this work to take place?

Answer (Spokesperson for Housing and Building Services)

As for when it will begin, there will be a capital plan review and then will be able to see what the budget is and what the costs are going forward so a report will be presented with the measures and the costs by April 2024 and it will depend on approvals of those reports how we can schedule that within the capital plan review.

Question 6 from Councillor Bailey-Lee Robb

To ask the Leader if he will provide an update on the decentralisation agenda given we are almost two years into his governance arrangements.

Answer (Leader of the Administration)

The Cabinet Committee has considered a number of reports on progress with decentralisation in 2023 building on previous work around place following the covid pandemic, the most recent in November last year. The Cabinet also agreed in 2022 a £10m Covid Recovery Fund with the majority of funding devolved to area committees.

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In February 2023 Cabinet agreed to undertake reviews of service areas in relation to area committee roles in scrutiny, shaping priorities and potential for varying service levels.

The June 2023 Cabinet Committee further approved a workstream to improve the responsiveness of place-based services and streamline internal processes.

A series of workshops involving area conveners and relevant cabinet spokespersons were held during 2023 to shape the proposals and these were presented back to Cabinet in November 2023.

One of the agreements in the Cabinet Committee was an updated clearer statement of the purpose of area committees and that will be incorporated in The Scheme of Committee Powers when that's updated and comes through the Council. The agreed reforms are being implemented through 2024 and will be reviewed through a further workshop with area conveners.

Supplementary Question

I would like to ask the Leader if he would outline the current status of decentralisation plans in terms of what specific powers he refers to and when the council will get to scrutinise these proposals, for example, the Scheme of Committee Powers, and what his response is to the concerns that are widely shared about the Cabinet Committee not being fit for purpose as reports have been pulled at the last minute or push backed due to the reported length of the meetings.

Answer (Leader of the Administration)

The Cabinet Committee is absolutely fit for purpose and is working very well. In terms of the specifics on decentralisation, the five areas that were identified for work are ongoing, in particular area committees, as I understand all area committees are having workshops on green space, street cleansing and priorities regarding maintenance and, as I have said, we have had a very good session in Kirkcaldy on that. I think the second one, particularly around the reinstatement of area housing plans and discussion at ward meetings about that is well underway I believe and work is progressing and reports will be coming forward in due course on property facilities management, capital investment, regeneration and community wellbeing.

Question 7 from Councillor Sarah Neal

How many potholes assessed as Grade 2 have been repaired within 5 days in the past six months and how many have not been repaired within 5 days in the past six months?

Answer (Spokesperson for Finance, Economy and Strategic Planning)

3,565 potholes categorised as priority 2 defects were repaired between 1st September 2023 and 8th March 2024. Of these, 1,842 were repaired within 5 days and 1,723 repaired out with 5 days.

Supplementary Question

Can I ask when the citizens of Fife will see an improvement in this please.

Answer (Spokesperson for Finance, Economy and Strategic Planning)

In 2023/24 -v- 2022/23, 10,732 jobs were completed, an additional 1,458 over the year before. 67,474 metres of patching were done which was up 20% on the year before that which was 56,409. In terms of getting better performance, I think we have a scrutiny committee that may want to have a look at this as we go forward. A drop in performance over the winter period particularly is not unusual and it is seasonal by the fact that we use our staff for many other tasks at the same time whether it be flooding. We have diversion of workforce for winter gritting, we have reduced winter working hours as it's dark earlier obviously. An increase in the level of repairs due to weather that is why we have a bump. We have had discussions with the Head of Transportation about how we can be slicker and cleverer with the processes we have in place because that is, ultimately, what drives performance but we are making progress but maybe not as fast as we would all like.

Question 8 from Councillor Andy Jackson

The council's housing acquisitions policy was adopted in 2020.

When will a revised policy be brought to committee and what input will members have in the development of a revised policy?

Answer (Spokesperson for Housing and Building Services)

The Property Acquisitions Policy was adopted in 2020 and was last reviewed in March 2022 by the Housing and Communities Sub-Committee. The Head of Housing Service is currently reviewing the policy criteria and will produce a report to Cabinet Committee by August 2024 so it will be reviewed again 2.5 years since it was last reviewed.

Supplementary Question

The amount of buy backs of former council houses and other acquisitions is shockingly low in Fife. Will the spokesperson make a commitment today to radically increase the amount of buy backs of former council houses as I would believe by adopting this measure this would result in the housing emergency being addressed more quickly.

Answer (Spokesperson for Housing and Building Services)

The Housing Emergency Action Plan will be brought forward and that will look at everything including acquisitions, new build and all of the options that we have and tenants and members will all be consulted upon that.

Question 9 from Councillor Lesley Backhouse

Question 1

How many Homeless families and individuals have been allocated council or RSL homes in each of the last 5 years.

Question 2

Given we have around 800 single people at risk of homelessness how many more 1 bedroom properties have we built or purchased over the last 3 years?

Question 3

The empty homes policy shows that in the last 3 years 39,41 and 62 properties were brought back into use of which 2,5, 19 were bought through using the SG subsidy of £40k per home. How many of these homes are still empty

Question 4

How many homes purchased using the SG subsidy of £40k have been demolished in each of the last 3 years?

Answer (Spokesperson for Housing and Building Services)

Question 1

Answer

Number of Applicants Housed

01/04/2019 – 12/03/2024

Homeless Allocations by FHR Partners:

	Fife Council	Fife Housing group	Glen Housing	Hillcrest Housing	Kingdom Housing	Ochilview	Ore Valley	Total
2019	757	36	10	2	127	5	7	944
2020	1063	14	7	1	125	1	11	1222
2021	995	36	12	4	104	5	32	1188
2022	1096	35	9	5	157	6	31	1339
2023	1329	37	7	6	186	3	17	1585
2024	236	4	2	2	22	1	1	268
Total	5476	162	47	20	721	21	99	6546

Non Homeless Allocations by FHR Partners:

	Fife Council	Fife Housing group	Glen Housing	Hill-crest	Kingdom Housing	Ochil-view	Ore Valley	Total
2019	1071	96	14	2	247	9	22	1461
2020	885	93	24	2	274	5	5	1288
2021	1175	95	31	2	238	7	66	1614
2022	798	88	11	8	321	8	19	1253
2023	819	113	21	8	383	7	18	1369
2024	218	10	5	2	14	3	1	253
Total	4966	495	106	24	1477	39	131	7238

Question 2

Answer

In the years 2021, 2022 and 2023, 40 x 1-bed properties have been acquired and no new 1-bed properties built.

Question 3

Answer

1 property remains unoccupied. The property was specifically purchased as part of a Housing Regeneration Project and will be demolished in May 2024.

Question 4

Answer

Nil for each of the last 3 years.

Supplementary Question 1

What steps are the coalition taking to get parity of allocation to homelessness with our Fife Homeless Register partners (currently FC is at 68% of allocation and RSLs are around 40%).

Answer (Spokesperson for Housing and Building Services)

The policy of the housing associations will be their policy and we do work across the Fife Housing Partnership who do have a lot of smaller stock than ourselves as well. We are reviewing the allocations policy and we hope to involve all our partners in that allocations policy.

Supplementary Question 2

Given that we have 800 single people at risk of homelessness and we have only acquired 40 one bed properties in the last three years, what policy are you going to bring forth to ensure that we are building / buying back properties that will meet the needs of our residents who are sofa surfing or who are at risk of homelessness.

Answer (Spokesperson for Housing and Building Services)

It's not our policy to build one bed roomed properties although we bought 40 in the last three years.

Supplementary Question 3

Given that the joint Administration in the first five years of when I was elected pushed to get more buy backs, why has that policy not been debated and brought forward?

Answer (Spokesperson for Housing and Building Services)

That's the same answer that I gave to Councillor Jackson that it has been reviewed and it will be reviewed again in 2024.

Question 10 from Councillor Louise Kennedy-Dalby

Warwick close property purchases Leuchars

Since the purchase of seven homes from the MOD in September 2022 some 18+ months ago. These homes are still empty resulting in over £40k loss in rental income with no date in sight for completion of the renovation works.

Can we have an explanation for the delays and confirmation of when these desperately needed family homes will be ready?

Answer (Spokesperson for Housing and Building Services)

Since the purchase of the 7 properties from the MOD in 2022, it became clear from the initial survey of the works required were significantly underestimated to bring these properties up to the Scottish Housing Quality Standard and modern social housing space standard. I am advised that full internal modernisation works will begin and will be completed by Summer 2024.

In relation to the rental loss, the properties were classified as Major Repair Voids and have been zero rented. In effect, we have not lost any rent on these properties at this time.

Supplementary Question

Given that this is now a year and a half down the line and not having these properties available for rent is a loss of rental income of over £40,000. How can you say, having four years' prior negotiations to buy these houses, say that it's still 18 months down the line that works are not being properly completed. Can you not say that this has failed to go forward as large scale projects and having

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them actually getting done as individual homes is much more appropriate and getting families into these three bedroom houses in a housing crisis that you are so slow to the party of realising that we are all bringing this forward for the last two years. This is a failure of actual buy backs.

Answer (Spokesperson for Housing and Building Services)

No, I don't think it is a failure. My understanding is that the significant works to reconfigure the internal dimensions of the house were much more than we had anticipated.

Question 11 from Councillor Louise Kennedy-Dalby

Fife Sports and Leisure Trust

Given the additional funding to FSLT to improve opening hours primarily in North East Fife coming to an end this financial year, can the leader confirm if North East Fife will still have access to these expanded hours?

Answer (Councillor Altany Craik in the absence of the Spokesperson for Communities and Leisure Services)

The additional funding was for 2023/24. Fife Sports and Leisure Trust will continue towards the restoration of opening hours in line with the Service Level Agreement and the management.

Supplementary Question

Can the council say, for this coming financial year, what support is North East Fife getting by Fife Sports and Leisure Trust?

Answer (Spokesperson for Communities and Leisure Services)

Fife Sports and Leisure Trust was not one year funding, they received funding through the community underspend, they have also got a Letter of Comfort from us about loss of income so, in that respect, they have not been forgotten about. If I can get any further information for you, I will ask Councillor Erskine to do so.

119. **FIFE LOCAL DEVELOPMENT PLAN EVIDENCE REPORT**

The council considered a report by the Head of Planning presenting the Fife Local Development Plan Evidence Report for approval as required by statute.

Decision

The council:-

- (1) noted the report by the Head of Planning agreed by the Cabinet Committee meeting held on 8 February 2024 for referral to Fife Council; and
- (2) approved the Fife Local Development Plan Evidence Report, as required by statute, for submission to the Scottish Government's Planning and Environmental Appeals Division (DPEA) to undertake the Local Development Plan Gate Check.

120. NOTICE OF MOTIONS

The council considered a report by the Head of Legal and Democratic Services requiring the council to consider motions submitted in terms of Standing Order No. 10.

Motion 1

Councillor Boubaker-Calder asked to withdraw her motion in terms of Standing Order No. 29.9 and to substitute with fresh text which had been agreed by all political parties.

Councillor Boubaker-Calder, seconded by Councillor Wincott, moved as follows:-

Fostering a Culture of Respect and Inclusivity in Local Government

"Council aspires to promote a culture of respect, inclusivity, and accountability, free from bullying, misogyny, and discriminatory behaviours, ensuring that all staff and elected members are safe to express their opinions without fear of harassment or discrimination.

Council notes:

- That despite progress in recent years, there remains in particular, under representation of women in local government.
- That structural and cultural issues present barriers to women and traditionally underrepresented groups from entering and remaining in local government as councillors as noted by COSLA in its 2022 councillors survey.
- That while progress has been made across society in Scotland and in Scottish local government in tackling discrimination in all its forms, we acknowledge that we are all on a journey and that discrimination and barriers still exist that prevent us from being a fully inclusive profession.
- That while recognising that we are in a political environment where debate and discussion can at times be robust, we must all seek to ensure that we are inclusive in our behaviours and in the words we use, to ensure that every voice is heard with respect.
- The Scottish Local Authorities Remuneration Committee (SLARC) recommendation for fair compensation to attract a more diverse range of candidates underscores the need for systemic change to create a safer and more equitable environment in elected office positions.
- The SLARC Report in February 2024 that notes that councillors are subject to increasing abuse via social media which can be particularly targeted at young female members and that SLARC notes recent correspondence from the Scottish Parliament's Local Government, Housing and Planning Committee to council chief executives saying *"We are aware that the long-standing issue of political culture and at times, the toxicity of debate, both within councils themselves but also across the broader political landscape and wider society as a whole – something that is particularly evident in online discourse – can act as a major barrier to diverse representation"*.

Council therefore:

- Reaffirms its commitment to diversity, equality, and fair representation in local government and to upholding standards of behaviour and respect amongst all elected members as guided by the Councillors Code of Conduct.
- Calls on the leadership of all political parties to promote clear and consistent messaging that all discriminatory behaviours are unacceptable, especially amongst elected representatives at every sphere of representation.
- Agrees to engage with appropriate organisations to ensure that we are a welcoming organisation where discriminatory behaviours are unacceptable.
- Recommends that the Cross Party Leaders Group considers standards of behaviour and respect as a standing item on its agenda, encourages the development of appropriate training on all forms of discrimination for councillors and directs a review of our policies and procedures to be carried out (including the Member/Officer Protocols) in relation to discriminatory issues and related behaviours with any recommendations to Cabinet Committee or Council as appropriate".

Decision

The council agreed the motion unanimously.

Motion 2

Councillor Hamilton, seconded by Councillor Calder, moved as follows:-

Housing Emergency

"Council notes with great concern

- the extreme pressures on housing and homelessness in Fife;
- that despite the approval of a medium term Homelessness Strategy 2024-2027 and the progress made over recent months in reducing void turnaround times, with re-provisioning of temporary accommodation and in increasing the number of properties available for relet, the number of households assessed as homeless and waiting for a tenancy and the number of families with children in temporary accommodation remains worryingly high;
- that like other local authorities across Scotland, Fife faces difficulties in meeting its statutory duties in regard to homelessness;
- pressures on the Housing Revenue Account that required a 5% rent increase;
- that Fife did not receive any of the additional £2m revenue funding for temporary accommodation announced by the Scottish Government prior to December 2023.
- the significant cut of 26% in the national Affordable Housing Programme made by the Scottish Government that will impact on the Council's own new build affordable housing programme, and the lack of additional capital funding as a consequence of the UK Budget.

Council therefore agrees to declare a Housing Emergency and requests the Head of Housing to work with partners to bring forward a Housing Emergency Action Plan to the Cabinet Committee in June, to supplement and accelerate already agreed actions and to address the Housing Emergency in Fife.

Council also calls on the Scottish Government to reverse its decision to cut the affordable housing programme budget by 26%".

Amendment

Councillor Alexander, seconded by Councillor Backhouse, moved as follows:-

"Council notes with great concern:

- the extreme pressures on housing and homelessness in Fife:
- that despite the approval of a medium-term Homelessness Strategy 2024-2027 and the progress made over recent months in reducing void turnaround times, with reprovisioning of temporary accommodation and in increasing the number of properties available for relet, the number of households assessed as homeless and waiting for a tenancy and the number of families with children in temporary accommodation remains worryingly high:
- that like other local authorities across Scotland, Fife faces difficulties in meeting its statutory duties in regard to homelessness:

Council also notes the circumstances that have led to the current situation over the last 2 years:

- The significant increases in the cost of construction of new builds due to rampant inflation in the construction sector , and the skill shortages caused by Brexit.
- The court judgment on Temporary Accommodation
- Fife Council voids timescales substantially worsening over the previous 2 years partly due to Court Case but also inefficiencies within Fife Council.
- Delays in Fife Council's new build programme
- The ideological impediments to property acquisitions by the administration particularly the buying back of former Council houses.
- The Housing Service has struggled with large delays in assessing tenants whose Fife Housing register applications require a Housing Functional Needs Assessment.
- Delays in bringing empty homes up to a lettable standard quickly,
- A surge in cases of damp and mould in properties resulting in a backlog of around 300 cases
- The foregoing all have previously influenced the inability of the HRA to balance its books without reducing CFCR.

Council also notes that the Fife Council affordable housing programme has benefited from and investment of more than £100 million over the last 10 years from the Scottish Government and that Housing Associations in Fife will have received grants in excess of £100 million.

Council also notes that the Scottish Government's ability to invest in infrastructure has now faced savage cuts of £1.6 billion from the Westminster Government, that the Scottish Budget has been approved by Holyrood, with no alternative to the housing proposals made by any party or group.

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Council further notes that the Scottish Government is focused on the target of delivering 110,000 affordable homes by 2032 and to support that target it will bring forward the review scheduled for 2026-27 to 2024, which will concentrate on deliverability.

Council believes that adding a slogan to the current housing situation will achieve little. It also believes that delaying effective action to June is just another example of complacency when the Council had the option to establish a Working Group in May 2022 and chose not to do so.

Council seeks:

- An urgent review of the HRA Capital Plan to maximise the provision of affordable homes using the quickest and most affordable way possible.
- A report from the Chief Executive to the Cabinet Committee asap addressing how Fife Council, Housing Associations, and others can collaborate to make best use of the Scottish Government substantial budget of £556 million for affordable homes the new financial year.
- A report to the Cabinet Committee of 9th May 2024 which will follow a review of the Councils Housing Service procedures in relation to housing allocations, repairs, eliminating inefficiency and proving to tenants that the high rent increases they have had to bear in recent years are worth the cost."

Roll Call

For the Motion - 36 votes

Councillors Tom Adams, Mary Bain-Lockhart, Aude Boubaker-Calder, Patrick Browne, James Calder, Alistair Cameron, Ian Cameron, Alex Campbell, Al Clark, Eugene Clarke, Fiona Corps, Altany Craik, Colin Davidson, Dave Dempsey, Sean Dillon, Graeme Downie, Gavin Ellis, Linda Erskine, Peter Gulline, Judy Hamilton, Cara Hilton, Gary Holt, Robin Lawson, Jim Leishman, James Leslie, Kathleen Leslie, Jane Ann Liston, Donald Lothian, Julie MacDougall, Derek Noble, Gordon Pryde, David Ross, Jonny Tepp, Darren Watt, Jan Wincott and Conner Young.

For the Amendment - 31 votes

Councillors David Alexander, Blair Allan, Naz Anis-Miah, Lesley Backhouse, Alie Bain, David Barratt, Auxi Barrera, John Beare, Ken Caldwell, Rod Cavanagh, Derek Glen, Brian Goodall, Jean Hall Muir, Alycia Hayes, Stefan Hoggan-Radu, Andy Jackson, Louise Kennedy-Dalby, Rosemary Liewald, Carol Lindsay, David MacDiarmid, Lynn Mowatt, Sarah Neal, John O'Brien, Nicola Patrick, Bailey-Lee Robb, Sam Steele, Alistair Suttie, Ann Verner, Ross Vettraino, Craig Walker and Daniel Wilson.

Decision

Having received a majority of votes, the motion was accordingly carried.

121. BUSINESS BROUGHT FORWARD BY THE PROVOST AS A MATTER OF URGENCY

It was noted that there was no business brought forward under this item.

Fife Council

Thursday 16th May 2024

Leader's Report

1. Life Chances Programme

In June 2023, as part of the Council's commitment to Community Wealth Building, we saw the introduction of a pilot approach around progressive recruitment focussing on guaranteed interviews in specific roles deemed as hard to fill and building on successful placements in those hard to fill areas.

This early approach to Life Chances has run over a number of months, and with the guaranteed interview model now embedded and running successfully we feel confident about moving to the next stage where we can extend the programme and introduce ringfenced recruitment in agreed roles and offer guaranteed jobs to those who have completed the Life Chances Programme.

HR and Employability Services are working on the implementation arrangements and over the summer we'll see the introduction of this new approach.

The evolution of the Life Chances Programme provides support to those facing barriers into sustainable employment and also supports Council Services who are facing difficulties in delivering services due to recruitment challenges.

I am very pleased that the Council is in many respects leading the way in terms of our progressive approach to recruitment.

2. Fleet Replacement

We have 13 new 26 ton Refuse Collection Vehicles coming in August/September. 7 are narrow bodied vehicles to assist in servicing hard to access streets supplied by Dennis Eagle a nationwide company with a services centre in Falkirk.

The other 6 are regular RCVs being supplied locally by Farid Hillend Engineering Ltd of Dalgety Bay, not only assisting with our fleet replacement programme but also consistent with our community wealth building approach.

3. Levelling Up Funding for Dunfermline

The City of Dunfermline was awarded funding of £5m by the UK Government for cultural projects as part of the Levelling Up Programme.

Following discussion with members of the Dunfermline Area Committee four major projects that meet the criteria of the Levelling Up Fund are being recommended as priorities with a final decision due to be taken at the Cabinet Committee on 9th May prior to the Council meeting.

These are to develop new and improved cultural space at:

- St Margaret's House
- Fire Station Creative
- Tower House
- Dunfermline Learning Campus/Fife College performance plaza.

This funding will make a significant contribution to improving long term prospects for the city and to the development of a long term 10 year cultural investment plan.

We are working with local community organisations, businesses and the third sector on ambitious plans for Dunfermline's social and economic future and securing investment like this will be a vital part of these plans.

4. Public Sector Heat Decarbonisation Fund

The Council has been successful in obtaining grant funding of £2.4m from the Scottish Government under Scotland's Public Sector Heat Decarbonisation Fund for decarbonisation projects at St Andrew's High School, Kirkcaldy and the Beacon Leisure Centre, Burntisland. These two building types are amongst the largest consumers of energy across the Council building estate and the funding will be a welcome supplement to the funding already committed through our capital plan.

5. Anti-Poverty Work and the Winter Programme

An update was provided to Area Chairs on the anti-poverty work undertaken over the past 12 months including the winter programme.

The Fuel Bank provided £142,000 for emergency fuel payments for those on pre-payment meters and on low incomes and the Cosy Kingdom partnership has succeeded in having £126,000 in fuel debt written off. The Cosy Kingdom Handy Service, funded through the Community Recovery Fund, has supported 600 households across all sectors with fuel saving measures.

The Council provided £104,000 for those presenting as homeless entering temporary accommodation to top up their meters at book in.

The Fife Benefit Checker has been used by 14,000 people and the OurFife/Get Help website had over 44,000 views last year.

Pension Credit campaigns have been delivered in 2 phases and the initial campaign alone saw 867 new households in Fife receiving the benefit. Of these we know that 184 households increased their income this year by a total of £860,870.

Café Inc provided 277,112 meals over the last 12 months and £1.3m was awarded from the Scottish Welfare Fund in crisis awards due to food crisis for individuals and families.

The online evaluation of the winter programme reported that the most used support was fuel top ups, benefit checks, help with benefits shopping vouchers and winter warmer packs.

Whilst we are pleased that the Council is able to provide support to local people in need through these programmes, it is a matter of much regret that this support is needed in our communities today.

6. Food4Fife Strategy

A report setting out a proposed Food4Fife Strategy will be considered by the Cabinet Committee at its meeting on 9th May prior to the Council meeting.

This Strategy has been produced in collaboration with NHS Fife and other community planning partners and community groups, to establish a vision and address the key challenges for food in Fife. It will fulfil the requirement on the local authority and health board to produce a 'Good Food Nation Plan'.

The strategy is based on 6 pillars:

- Healthy Food for All
- Community Food
- The Food Economy
- Catering and Procurement
- Farming, Soils and Climate
- Partnership Working

The Strategy will be an important element in our approach to the challenge of climate change and will also contribute to the Council's other key priorities of supporting the local economy and addressing poverty and inequality.

7. Persistent Organic Pollutants (POPs)

The Council (and all other operators) is subject to new regulations relating to the disposal of POPs commonly found in domestic seating and sofas, and including a ban on landfilling them.

This will require special measures to be introduced into bulky uplifts and recycling centres and will have an additional cost to the Council.

COSLA is approaching Scottish Government to provide additional funding for this new burden and requesting the Department of the Environment, Food and Rural Affairs to put more effective mechanisms and longer lead times in place when new material streams are identified requiring specialist treatment by councils.

8. Levenmouth Rail Link

The official opening of the Levenmouth Rail Link will take place on 29th May with the line opening to the public from 2nd June. The re-opening of the line and the associated regeneration work has been a significant collaboration between the Council, Scottish Government, Transport Scotland, Network Rail, ScotRail and other partners.

The Council and community groups, in particular the Levenmouth Rail Campaign, have campaigned strongly for the reopening of the line over many years and it will be

of great satisfaction to many in the local community to see these efforts finally coming to fruition.

9. Harland and Wolff

I visited the Harland and Wolff facility in Methil last month to see the progress with their current contract constructing refuse carrying barges for use on the Thames and to hear about their hopes for future development and expansion.

We also discussed the importance of linking those employers outwith the boundaries of the Forth Green Freeport into the supply chain of the Freeport and of ensuring that they are not disadvantaged by displacement of businesses or opportunities.

10.1:1 Devices – Visit to Scottish Borders

A number of councillors and officers visited Scottish Borders Council earlier this month to see how 1:1 digital devices are being used in practice in schools. We visited a primary and a secondary school and talked to staff and pupils as well as education and technical officers.

The provision of ipads to school pupils on a 1:1 basis and their use as an integral part of teaching and learning has clearly changed the way this takes place in Scottish Borders' schools and is contributing to improvements in attainment. The visit confirmed the concerns that if Fife was unable to move forward in a similar direction, then young people in Fife will be left behind educationally.

As previously reported, officers are preparing a business and implementation plan and this will include full briefings and engagement with elected members in due course.

11. COSLA Parliamentary Reception

I attended the COSLA Parliamentary Reception held in Holyrood on 25th April. This was the second of what is planned as an annual event bringing together local government leaders, COSLA office bearers and MSPs in a cross party informal networking event.

The event was attended by a good cross section of MSPs including senior members of the Scottish Government and opposition groups. It was a useful opportunity to communicate the importance of local government and the services it provides, and the challenges we face in the current environment.

Councillor David Ross
Leader of Fife Council
Fife House,
North Street,
Glenrothes
8th May 2024

Fife Council

16 May 2024

Item 7 - Question Time

Question 1 from Councillor Jonny Tepp

What work needs to be completed before the administration will be in a position to enforce a pavement parking ban?

Question 2 from Councillor Jonny Tepp

What are the estimated costs of preparing to be ready to implement the pavement parking ban (please show the main costs and assumptions in arriving at this estimate) and what Scottish Government funding has been provided to complete this work?

Question 3 from Councillor Margaret Kennedy

The wider community and media have highlighted concerns in relation to violence in schools with thousands of violent incidents against council and school workers taking place in the UK since 2015. Additionally UNISON, nationally, have raised concern that their research has identified that workers in UK councils or schools are 75% more likely to be a victim of violence at work than other workers.

Information on this matter is now received by the Education Scrutiny every few months as part of the school violence reports. The reports include pupil on pupil and pupil on staff violence with trends indicating an increase in the past few years.

In terms of managing staff health and safety at work Fife Council has a legal duty to put in place measures to ensure that violence at work is never 'part of the job' irrespective of employees' roles. As Councillors we have a responsibility to ensure that our local services are delivered safely, by staff who feel protected and supported in the vital work they do for our communities.

- (a) How many reported incidents relating to violence and aggression, being directed towards all Council staff, have been recorded in 2023?
- (b) What proportion of these are relating to school staff?
- (c) Has there been any evidence of increasing or decreasing trends in relation to all Council staff?
- (d) What measures has Fife Council in place to support staff safety?

Question 4 from Councillor Gavin Ellis

In the last twelve-month period 1 April 2023 to 1 April 2024, can council confirm how many complaints it has received for fly tipped / dumped tyres? Also, how these items are removed from Fife's landscape - is it by a single staff member or a two-person crew - and what type of vehicle is used?

Question 5 from Councillor Gavin Ellis

In regard to a previous question by Councillor Dillon at full council on 21 March 2024 on the issue of control of dogs, it was reported that in 2023 there had been 610 reports resulting in 33 Dog control notices being issued and 71 warnings.

Can council confirm how many authorised officers we have to deal with the control of dogs Scotland Act 2010 and can it confirm how these are monitored in line with section 4 of the legislation that places a legal duty on the local authority to monitor Dog control notices that have been issued. Is this done by contacting the dog owner regularly or by surveillance. Also, can council confirm out of these 33 DCN's that were issued how many have now been discharged in line with section 6 of the control of dogs Scotland act 2010.

Question 6 from Councillor Al Clark

Given that the Scottish Government has regrettably rolled back its climate target to reduce carbon emissions by 75% by 2030, what assurances can Fife Council give that it will not do likewise but will continue its ambitious plan to reduce carbon emissions in all its own buildings by 68% by 2030, considering the council declared a climate emergency in September 2019?

Question 7 from Councillor Jane Ann Liston

What is the full package for Fife Council care at home staff, specifically:

- (a) what is the hourly rate of pay for care at home workers at FC?
- (b) are FC care at home staff given sick pay? If yes, what are the terms.
- (c) what is the annual holiday allowance given to FC care at home staff?
- (d) Are FC care at home staff paid per total shift hours?
- (e) What mileage rate is paid to FC care at home staff using their own cars?
- (f) Are there any other benefits given to FC care at home staff?

In the interests of transparency I hereby declare that I am a Fife Council appointee to William Gibson's Trust, which has a company, Gibson Training & Care, that exists purely to help fund the running of the care home.

Question 8 from Councillor Patrick Browne

To ask the Labour administration what assessment it has made of the impact on Fife Council and its environmental policies of the SNP-Green former coalition government's decision to scrap its greenhouse gas emission reduction targets for 2030 and 2040 as well as the yearly publication of Scotland's performance on emissions.

Question 9 from Councillor Julie MacDougall

Can Fife Council confirm if we now have clarity on the Active Travel Funding and the status of The Local Transport Strategy (LTS) the development of the Active Travel Strategy and Action Plan. How will the result of the recent consultation feed into our communities working with local groups and organisations shaping the vision for active travel in Fife affecting:

- Schools and Young People
- Workplaces
- Accessibility and Inclusion
- Capacity and Capability Building

Question 10 from Councillor Robin Lawson

Across Fife there are large numbers of broken poles on road signage, just left on the roadside. This is both dangerous and unattractive. Will the Administration provide some extra funding to Roads and Transportation to repair or replace the broken signage before accidents happen?

Question 11 from Councillor Robin Lawson

In 2022 I asked when Covid temporary measures introduced into Fife's towns would be removed or made permanent. Could we please have an update on this issue, including when temporary measures will be removed?

Question 12 from Councillor Robin Lawson

In many Fife towns the markings on parking bays and yellow lines marking parking restrictions are badly faded or worn out. This results in illegal parking which wardens are incapable of stopping. How much has Fife Council spent in each of the last three years on marking parking and no parking areas, and what is the planned spend for 2024/25?

Question 13 from Councillor Rosemary Liewald

What is the expected lifespan of temporary repairs to road surfaces?

Question 14 from Councillor Rosemary Liewald

What has been the cost of temporary road patching for financial years 2018/19, 19/20, 20/21, 21,22 and 22/23?

Question 15 from Councillor Bailey-Lee Robb

With reference to the 'Road Asset Condition Inspections – Policy & Standards' policy approved in October 2019 by the Economy, Tourism, Strategic Planning & Transportation Committee, which came into force on 1st April 2020, how many Priority 3 road repairs were recorded, and how many repairs were not completed within the 3 month repair target in 2023/2024 financial year?

Question 16 from Councillor Bailey-Lee Robb

What action is the Environment Service taking to assist residents in ensuring that their domestic waste bins are not stolen from around their homes?

Question 17 from Councillor David Barratt

The Fireworks and Pyrotechnic Articles (Scotland) Act 2022 gives councils power to introduce Firework Control Zones in which it would be a criminal offence for a member of the public to ignite a firework, including on private property such as a garden.

When will a report be brought to committee to allow the implementation of Firework Control Zones or providing communities advice on how Control Zones can be requested?

Question 18 from Councillor Brian Goodall

How many Fife Council Houses are currently due to have completely new roof replacements and how many of these replacements are more than 5 years overdue, given the normal time schedule for roof replacements?

Question 19 from Councillor Brian Goodall

How many short-term repairs have been carried out on the roofs of Fife Council Houses where full roof replacement is overdue, given the normal time schedule for roof replacements?

Question 20 from Councillor David Barratt

What progress has been made towards providing pedestrian access at recycling centres since the budget decision in February 2024?

16 May 2024

Agenda Item No. 8

Governance Arrangements – Lists of Committee and Officer Powers

Report by: Executive Director (Finance and Corporate Services)

Wards Affected: All

Purpose

To present revised Lists of Committee and Officer Powers for consideration and approval by the Council.

Recommendation(s)

It is recommended that the Council:-

- (1) approves the proposed changes to the Lists of Committee and Officer Powers as set out in Appendices 1 and 2 of the report, to come into effect on Friday 17 May 2024; and
- (2) delegates any consequential and non-substantive changes to the Head of Legal and Democratic Services.

Resource Implications

There are no resource implications arising from this report.

Legal & Risk Implications

The Council is obliged, in terms of local government legislation, to ensure that appropriate decision-making structures are in place.

Impact Assessment

A formal impact assessment is not required as there are no equalities issues which apply to committee procedures.

Consultation

Political groups have been consulted. A working group of members nominated by Group Leaders has met on a number of occasions to review the Lists of Committee and Officer Powers. Officers were also consulted.

1.0 Background

- 1.1 The Council's Governance Scheme comprises a number of documents, including Standing Orders, the List of Committee Powers and the List of Officer Powers. These documents are kept under regular review and consequential changes have been made on occasion. Any substantive amendments must be approved at a meeting of the Council and, following a recent more detailed review, the revised Lists of Committee and Officer Powers are now presented for approval.
- 1.2 Fife Council, at its meeting on 22 June 2023, approved a revised set of Standing Orders and agreed to defer consideration of the Lists of Committee and Officer Powers to a future meeting of the Council.

2.0 Issues and Options

- 2.1 Fife Council, at its meeting on 19 May 2022, agreed a new decision-making structure based on a Cabinet model of governance and brought forward a revised Scheme of Administration based on these proposals and, on 9 June 2022, the Council approved the List of Committee Powers and agreed to undertake a review of the List of Officer Powers.
- 2.2 The Cross Party Leaders Group, at their meeting on 9 September 2022, agreed to establish a short life working group to review governance documentation, including Standing Orders and the Lists of Committee and Officer Powers. Councillors Beare, Graham, Kathleen Leslie and Tepp were nominated as the elected member representatives, along with the Head of Legal and Democratic Services and Democratic Services Manager.
- 2.3 Fife Council, at its meeting on 9 June 2023, approved a revised set of Standing Orders and agreed that the Lists of Committee and Officer Powers be submitted to the September 2023 meeting of Fife Council. This has proved challenging and the approach adopted has been to spend time ensuring full officer consultation and then elected member engagement.
- 2.4 The List of Committee Powers provide a statement of the terms of reference and membership of committees and sub-committees. The List of Officer Powers provides a statement on the delegations to officers.
- 2.5 The changes to the Lists of Committee and Officer Powers relate mainly to consequential changes arising from the changes to current Standing Orders, recent structure changes and improvements suggested following experience of operating these documents over the last few years. The revisions are annotated in the comparison version of the documents which forms background papers to the report.
- 2.6 The main changes arising from consultations are detailed below:-

List of Committee Powers

- **Area Committees**- Section 7.0 – Clarify Terms of Reference
- **Planning Committees** - Section 9.0 – guidance on determining the relevant committee for certain applications to be considered
- **Appointments Sub-Committee** - Appendix 2 – proposed increase in members from 8 to 9 for first tier posts

List of Officer Powers

- **Delegations to all Executive Directors** - Section 2.8 - Ex-gratia payments be increased up to a value of £5,000 and £10,000 respectively
- **Executive Director (Place): Development Management (Local Developments)** - Section 7.0 - Guidance on Major Applications and Development Applications and related matters;
- **Executive Director (Communities)** - Section 8.0 - Housing Services: 'housing in multiple occupation' and Section 8.2 'short term lets' – guidance on process for managing objections

3.0 Conclusions

- 3.1 Council is invited to agree that the List of Committee Powers set out in Appendix 1 to the report and the List of Officer Powers as set out in Appendix 2 to the report be approved and implemented with effect from Friday, 17 May 2024.

List of Appendices

1. Appendix 1 - Governance Scheme Part 2: List of Committee Powers
2. Appendix 2 – Governance Scheme Part 3: List of Officer Powers

Background Papers

Lists of Committee and Officer Powers – comparative versions

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Fife Council Governance Scheme Part 2: Committee Powers

Fife House,
North Street,
GLENROTHES,
Fife.
KY7 5LT

Effective from 17 May 2024

Document version control

Document version control

Date	Author	Version	Status	Reason for Change
24 May 2022	LT	0.1		First version
29 June 2022	LT	0.2		Final version incorporating minor changes after 9th June 2022 Council meeting.
29 Sep 2022	DB	0.3		Amendment agreed at FC re Area Committee remit
3 June 2023	EW	0.4		Amendment agreed at FC re Standards Audit & Risk Committee remit and granting Freedom of the City for Dunfermline
7 Dec 2023	LR	0.5		Amendment to Section 9 to include an 'Ad hoc' Planning Committee

Committee Powers

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1.0 Introduction

- 1.1 Fife Council operates a governance framework in several parts. This is Part 2 of the framework – Committee Powers. It sets out:-
- the reserved functions of Fife Council;
 - the terms of reference of the committees and sub-committees;
 - their membership and how members are allocated to the committees and sub-committees; and
 - some additional provisions about how the committee structure will operate in Fife Council.
- 1.2 This document is in accordance with the statutory powers reserved by Fife Council and those delegated to committees under section 56 of the Local Government (Scotland) Act 1973 and any other applicable legislation. This List of Committee Powers shall have the same meanings as defined in the Council's Standing Orders.

2.0 Membership of Committees - Political Balance

- 2.1 The membership of committees and sub-committees will be allocated as agreed by Council. If Council decide that membership will be allocated based on political balance, that calculation will be made as follows:-

Dividing the number of a party's seats by the overall number of seats on the Council (75) and multiplying the number of seats on the committee by the resultant fraction. In other words:

$$\frac{\text{Party's total seats on Council}}{75} \times \text{Total number of seats on committee}$$

- 2.2 Once the 'whole numbers' have been allocated to the parties, the remaining seats are allocated to the parties with the biggest fractional remainder.
- 2.3 In the event of a tie of seats, parties will be invited to agree which party a seat will be allocated to. In the event of parties being unable to agree, the matter will be determined by the cutting of cards.
- 2.4 Political balance can be calculated for either the Council as a whole or for any sub-area of the Council to which the remit of the committee or sub-committee relates.
- 2.5 In the event that there is a change to the political balance of the Council, the Chief Executive, in consultation with the Leaders of the political groups, has powers to amend the political balance as required by any such change in accordance with the above method. In the event of a by-election being called, political balance will only be re-calculated after that by-election has been held.

3.0 Fife Council – Reserved Powers

Functions

- 3.1 The following functions shall be exercised by the Council meeting in full session and are excluded from delegation to any committee or sub-committee:-
- 3.1.1 the election of the Provost, Depute Provost/s, Leader of the Council, the appointment of any members holding portfolios for specific areas of Council business ("spokespeople"), Conveners of the Cabinet; Standards, Audit and Risk and Pensions Committees, and unless otherwise delegated, Conveners of Area Committees;
 - 3.1.2 the removal of the Provost, Depute Provost/s, Leader, Depute Leader, Convener (excluding Area Committees), Depute Convener or Spokesperson, where a notice of motion is submitted;
 - 3.1.3 the election of members to the Licensing Board;
 - 3.1.4 the annual setting of a balanced budget of - (a) revenue expenditure; (b) capital expenditure and (c) setting of fees and charges;
 - 3.1.5 the fixing of Council taxes and charges related to fixing of housing rents;
 - 3.1.6 the approval of the Plan for Fife;
 - 3.1.7 the approval of the Local Development Plan Evidence Report, the Local Development Plan and the Local Development Plan Delivery Programme;
 - 3.1.8 the making, substantive amendment or revocation of the List of Committee Powers and List of Officer Powers;
 - 3.1.9 the making, substantive amendment or revocation of Standing Orders, (including Standing Orders for the making of contracts);
 - 3.1.10 the making, substantive amendment or revocation of Financial Regulations;
 - 3.1.11 the promotion of or opposition to private legislation;
 - 3.1.12 the change of name of the authority;
 - 3.1.13 the establishment of any joint committee or joint board to carry out any functions of the Council;
 - 3.1.14 the appointment of members to - (a) joint boards; (b) joint committees; (c) any body where the Council is obliged or entitled to make an appointment under statutory authority; and (d) the Convention of Scottish Local Authorities (including any committees thereof);
 - 3.1.15 the consideration of reports by the Head of Paid Service or the Monitoring Officer in terms of sections 4 and 5 respectively of the Local Government and Housing Act 1989;
 - 3.1.16 the granting of civic awards and recognition;

- 3.1.17 the approval of the Scheme for the Establishment of Community Councils in Fife including final determination of boundaries in accordance with the Scheme;
- 3.1.18 formal responses to UK Parliament, Scottish Parliament and local statutory boundary review consultations;
- 3.1.19 the review of parliamentary polling districts and polling places;
- 3.1.20 the consideration of any report which the Controller of Audit may make to the Accounts Commission with respect to the accounts of the Council in terms of section 102 of the Local Government (Scotland) Act 1973 and subsequent report on recommendations which the Accounts Commission may make to Scottish Ministers;
- 3.1.21 the approval of any annual investment strategy or annual investment report required by consent issued by Scottish Ministers under section 40 of the Local Government in Scotland Act 2003;
- 3.1.22 the approval of senior councillor allowances; and
- 3.1.23 any other matter which may not be delegated by Fife Council under legislation.

4.0 Committees – General Matters and Membership

Functions of Committees

- 4.1 Committees shall be responsible for the matters remitted to them under the terms of reference assigned to them in this List of Committee Powers. Fife Council shall, in addition to the specific functions remitted to it, remain responsible for scrutiny of the major plans affecting Fife and for all Council expenditure. The Council shall also be responsible for reviewing the overall performance of the Council's decision making and partnership arrangements.
- 4.2 The Council operates an executive/scrutiny model of governance. The function of the Cabinet Committee (Executive), Scrutiny and other committees as set out in this document.
- 4.3 Where a committee is meeting to undertake a scrutiny role, it shall approve such procedures concerning the gathering and examination of information, the questioning of elected members, officers and other persons and make recommendations as required to ensure that scrutiny is undertaken in an efficient, effective and fair manner.
- 4.4 The Council has also established seven Area committees and their remits are set out in this document.
- 4.5 All committees shall be responsible for financial monitoring and planning for both revenue and capital expenditure in respect of matters falling within their remit. Only Fife Council and the Cabinet Committee can take decisions to allocate additional resources. All other committees and sub-committees can only allocate resources where that power is specifically delegated to them.
- 4.6 Committees have delegated authority for all of the matters in their remit noting that committees have the right to submit comment or recommendations to the Cabinet Committee and/or full Council. Sub-committees may be authorised to act on behalf of the Council or any committee, if given appropriate powers in specific instances by the Council or the relevant committee.

- 4.7 In acting in relation to matters remitted to them, all committees shall have regard to lawfulness, efficiency, effectiveness, economy, best value and the need to meet equal opportunity requirements.
- 4.8 Committees can receive reports in relation to relevant legislation, regulations and national guidance.
- 4.9 Decisions of committees which would require the Council to incur expenditure shall only be taken within the authority of committees to incur expenditure as provided for in financial regulations made under section 95 of the Local Government (Scotland) Act 1973 and from within agreed budget or from additional allocations received in year. Committees may not incur expenditure which cannot be met from such amounts as may be allocated to them.
- 4.10 Where there is doubt as to which committee or sub-committee should consider any matter, the Proper Officer, following consultation with the appropriate Executive Director, Spokesperson and relevant Convener or, in their absence, Depute Convener, shall consider and refer the matter to the appropriate committee or sub-committee having regard to this List of Committee Powers.

Membership of Committees

- 4.11 Appendix 1 sets out the membership and allocation of seats for committees.
Appendix 2 sets out membership and remits of sub-committees.
- 4.12 Members are entitled to serve on committees as directed by Fife Council.
- 4.13 Members are entitled to a seat on the area committee covering the area which they have been elected to represent. The allocation of seats on other committees and sub-committees is as set out in this List of Committee Powers.
- 4.14 Nominated members must hold the relevant PVG membership for certain committees, including Cabinet Committee, Education Scrutiny Committee, Education Appeals Committee and People and Communities Scrutiny Committee.
- 4.15 The Convener of the Standards Audit and Risk Committee and Scrutiny Committees should not be a member of the Administration.

Co-option of Members to Committees

- 4.16 All committees may recommend to Fife Council the co-option of such other persons to the committee who are not members of the Council where it is considered that such co-option would be beneficial to the work of the committee.
- 4.17 Co-opted members shall be non-voting unless otherwise specifically provided for in this scheme.
- 4.18 Prior to accepting membership of a committee, co-opted members shall be bound by the Councillors' Code of Conduct.

Committees and Terms of Reference

5.0 Cabinet Committee

Terms of Reference

- 5.1 To discharge all of the Council's functions except those reserved to Fife Council and those matters specifically delegated to other committees or sub-committees, including the following matters:-
 - 5.1.1 exercising strategic leadership of the Council;
 - 5.1.2 promoting community planning and, in particular, "A Fairer Fife" agenda;
 - 5.1.3 developing and approving new policies consistent with the overall strategic approach of the Council and, in particular, approving, setting targets and monitoring all decisions in relation to the Council's strategic priorities;
 - 5.1.4 reviewing and approving the main activities to achieve key outcomes and improvement priorities under the Plan for Fife (Local Outcome Improvement Plan) and the Council's policy and improvement priorities;
 - 5.1.5 monitoring and control of the Council's overall capital and revenue expenditure (including major capital projects and the Housing Revenue Account), taking responsibility for all executive decisions and considering all proposals or business cases for all major projects, and those which have increased financial consequences beyond the currently approved budget;
 - 5.1.6 facilitating and encouraging public participation and consultation and ensuring the effective communication of Council policies and strategies;
 - 5.1.7 approve relevant stages of the Local Development Plan and recommending it to Fife Council for adoption;
 - 5.1.8 developing community planning by working in partnership with relevant external organisations;
 - 5.1.9 recommending to Fife Council the budget strategy and strategic policy framework for consultation;
 - 5.1.10 maintaining oversight of the implementation of agreed City Deal Plans for Tay Cities and Edinburgh and South East Scotland;
 - 5.1.11 taking decisions which relate to the Council's role in membership of, or partnership with, external organisations, including Arm's Length External Organisations (ALEOs) beyond a single area and making nominations as appropriate;
 - 5.1.12 approving responses to consultation papers issued by the Scottish or UK Government and outside organisations insofar as these have not been (a) included in the remit of other committees; or (b) delegated to officers;
 - 5.1.13 overseeing the Council's scheme to promote equality and diversity;
 - 5.1.14 providing guidance and direction to committees to ensure overall control of the Council's finances within approved budgetary limits and financial regulations and also in regard to scrutiny and performance management of functions within their remit;

5.1.15 overseeing the management and use of all Council (including common good) assets and resources and the development and implementation of the plans including:-

- Finance and Treasury Management;
- physical assets (including land, buildings and other property) including a Corporate Asset Management Plan;
- human resources (including the development and training strategy for elected members and employees);
- information (including information technology); and
- intellectual property.

5.1.16 monitoring and reviewing the Council's approach to health and safety of Council employees and the obligations of the Council under health and safety legislation;

5.1.17 considering any recommendations or report of any investigating committee appointed to investigate any matter in terms of the Scottish Joint Negotiating Committee for Local Authorities Services Disciplinary Procedure for Chief Executives;

5.1.18 oversight of all functions concerning valuation and electoral registration;

5.1.19 maintaining a strategic overview of civic affairs, twinning links and partnerships leading to civic, sporting, economic and cultural exchanges;

5.1.20 with the exception of the Area Settlement Trusts and any other trusts with an impact on only one area, all matters relating to the Council's role as trustees under section 16 of the Local Government etc. (Scotland) Act 1994;

5.1.21 maintaining oversight of workforce matters insofar as not delegated to the Head of Paid Service, including all matters relating to the Fife Pension Fund as regards the Council's role as employer including, for the avoidance of doubt, setting policies on early retirements;

5.1.22 taking strategic decisions relating to the resourcing of, and co-ordination with, the Integrated Joint Board on health and social care matters;

5.1.23 carrying out all matters relating to the Council's statutory responsibilities

5.1.24 taking responsibility for scrutiny of matters of corporate policy including review of the Council's overall corporate and resource plans.

Cabinet Committee Powers

5.2 The Cabinet Committee shall have the following powers:

5.2.1 to request or commission research or other studies on matters of policy or service provision;

5.2.2 to establish working groups; and

5.2.3 to refer matters to other committees, including scrutiny and area committees, for their consideration.

6.0 Scrutiny Committees

Terms of Reference

6.1 The Council will appoint four scrutiny committees with the following titles:-

- (a) Education;
- (b) People and Communities;
- (c) Finance, Economy and Corporate Services; and
- (d) Environment, Transportation and Climate Change.

Education

Services

- Education & Children's Services
- Education (Early Years & Primary)
- Education (Secondary & Specialist Services)

People and Communities (including social care, children's services and housing)

Services

- Housing & Safer Communities
- Customer & Online Services
- Communities & Neighbourhoods
- Justice Social Work Service
- Children and Families Social Work
- Health and Social Care

Finance, Economy & Corporate Services

- Assessor Service
- Business & Employability
- Business Technology Solutions
- Finance Services
- HR Service
- Legal & Democratic Services
- Planning
- Revenue & Commercial Services

Environment, Transportation and Climate Change

- Planning (**Climate Change & Zero Waste**)
- Environment & Building Services
- Roads & Transportation
- Protective Services
- Property Services
- Bereavement Services
- Facilities Management Services

6.2 The scrutiny committees will undertake the following functions in relation to their respective remits:-

- 6.2.1 monitoring the performance of services and funded third party organisations against service delivery and financial targets and make recommendations to the relevant committee;
- 6.2.2 considering decisions of the Cabinet Committee which have been called in under Standing Order No. 34;
- 6.2.3 considering matters remitted to them by the Cabinet Committee or other committees; and
- 6.2.4 scrutinising and investigating any particular matter as determined by the committee or as referred to it in terms of this List of Committee Powers and which the committee considers requires further examination.

Scrutiny Committee Powers

- 6.3 The scrutiny committees will have the following powers:-
 - 6.3.1 to invite individuals and / or representatives of organisations with expertise or interest in aspects of their remit to attend and / or contribute to meetings, either as regular participants or for a specific issue. Such individuals will not have voting powers;
 - 6.3.2 to request the attendance of a spokesperson with relevant responsibility and / or relevant Executive Director / Head of Service to respond to relevant questions and / or to submit a report or written evidence on any relevant matter;
 - 6.3.3 to request other members of the Council and outside organisations to attend meetings and / or give evidence and advice relevant to the committee's area of scrutiny;
 - 6.3.4 where required, developing a scoping process in accordance with any guidance issued on scrutiny activity.
 - 6.3.5 to submit comments and recommendations to the Cabinet Committee and Fife Council and submit a report on their activities to Fife Council periodically.

7.0 Area Committees

- 7.1 Area committees are an integral part of Fife Council's decision making and governance framework. As part of the Council's commitment to decentralisation, they ensure that policies and services are responsive to the needs and wishes of communities. In addition to specific local decision-making responsibilities, area committees can scrutinise local delivery of services and shape wider priorities, policies and programmes.
- 7.2 There shall be Area committees for each of the following areas of Fife:-
 - **Cowdenbeath** (Electoral Wards 7 and 8 inclusive)
 - **Dunfermline** (Electoral Wards 2, 3 and 4 inclusive)
 - **Glenrothes** (Electoral Wards 13, 14 and 15 inclusive)
 - **Kirkcaldy** (Electoral Wards 9 - 12 inclusive)
 - **Levenmouth** (Electoral Wards 21 and 22 inclusive)

- **North East Fife** (Electoral Wards 16 – 20 inclusive)
- **South and West Fife** (Electoral Wards 1, 5 and 6 inclusive).

Terms of Reference

- 7.3 The terms of reference and functions of Area committees are to deal with the following matters as they relate to the provision of Council services in their committee's area:-
- 7.3.1 leadership and promotion of joint working with community planning partners and other statutory and voluntary or not for profit bodies to support the wellbeing of their communities;
- 7.3.2 overseeing the delivery and effectiveness of local community planning and partnership arrangements; determining the relevant geographical basis for local community planning;
- 7.3.3 receiving an annual report of progress against the local community plan as a basis for continuing dialogue with communities, partners and services on challenges and priorities;
- 7.3.4 considering asset transfer requests under the Community Empowerment Act 2015 and submitting recommendations to the Cabinet Committee to assist its determination;
- 7.3.5 providing local input as required prior to Council decisions including:-
- considering the potential impact of strategic policy proposals and making recommendations to relevant committees;
 - working with communities to establish priorities; and
 - scrutinising the effectiveness of local delivery of Council services.
- 7.3.6 taking decisions on matters within their local area insofar as these have been remitted by Council or other committees including:-
- the allocation of budgets and the approval of revenue and capital expenditure - insofar as these have been delegated to the committee or area; considering all matters relating to expenditure from common good funds insofar as not delegated to officers;
 - to consider the performance of Police Scotland and the Scottish Fire and Rescue Service for its area and to make any necessary recommendations to the appropriate committee or governing body;
 - to provide an overview on complaints received for the specific area;
 - to establish working groups;
 - to consider an annual report on the management of the common good;
 - to provide a view to the Cabinet Committee on proposed changes of use and disposal of common good assets within the boundary of the area committee and not covered by other policy;
 - consider periodic reports on disposals where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and/or the Council's Subsidised Leases Policy have been applied;
 - review area asset registers and plans and work within agreed budgets;
 - the approval of grants to local organisations;
 - assessing and awarding discretionary rates relief to businesses in the area;

- acting as trustees in relation to the Council's Area Settlement Trusts and all other trusts which do not have an impact beyond one area;
- appointment of members to local organisations;
- overview of master plans, site briefs, development briefs and urban design frameworks to help shape local places;
- traffic orders where the impact of the proposal would not extend beyond a single area;
- local housing issues specific to an area;
- tree related matters and tree preservation orders;
- conservation area and conservation management scheme arrangements and reports; and
- building standards and safety (insofar as not delegated to officers) including the reporting of dangerous buildings which have potential expenditure implications for the Council.

Area Committee Powers

7.4 The area committees will have the following powers:-

- 7.4.1 to invite individuals and / or representatives of organisations with expertise or interest in aspects of their remit to attend and / or contribute to meetings, either as regular participants or for a specific issue. Such individuals will not have voting powers;
- 7.4.2 to invite the spokesperson with relevant responsibility and / or relevant Executive Director / Head of Service to attend meetings and respond to relevant questions and / or to submit a report or written evidence on any relevant matter;
- 7.4.3 to request other members of the Council, officials, other persons and outside organisations to attend meetings and / or give evidence and advice;
- 7.4.4 to consider motions brought forward by members of the area committee inviting the area committee to discuss and express a view on matters of concern in their local communities;
- 7.4.5 to submit comments and recommendations to the Cabinet Committee and relevant scrutiny committee(s) and to Fife Council; and
- 7.4.6 for the City of Dunfermline Area Committee, to determine the award of Freedom of the City subject to ratification by two thirds of Fife Council, having followed the agreed protocol adopted for the granting of the Freedom of the City of Dunfermline. See Appendix 4 - Fife Council Protocol - Honorary Freemen and Freewomen of Dunfermline.

8.0 Standards, Audit and Risk Committee

Terms of Reference

- 8.1 The purpose of the Standards, Audit and Risk Committee is to support the Council in its responsibilities for risk management, governance and control. It will seek assurance that an effective system of internal control is maintained. The committee also has a role in the application of standards matters across the Council and the Council's performance in complaints and freedom of information.
- 8.2 The main objectives of the committee are to provide:

- 8.2.1 independent assurance on the adequacy of the risk management framework and associated control environment within Fife Council;
- 8.2.2 independent scrutiny of the Council's financial and non-financial performance to the extent that it affects Fife Council's exposure to risk and weakens the control environment;
- 8.2.3 assurance that any issues arising from the process of drawing up, auditing and certifying the annual accounts are properly dealt with;
- 8.2.4 promoting high standards of conduct of councillors and co-opted members;
- 8.2.5 approve the Corporate Governance Statement for the Council ensuring compliance with the CIPFA Code of Corporate Governance;
- 8.2.6 consider the Council and charitable trusts unaudited annual accounts prior to submission to External Audit;
- 8.2.7 review significant changes in accounting policy;
- 8.2.8 consider and approve the Council's audited annual accounts; and
- 8.2.9 consider matters remitted by the Cabinet Committee or other committees

Responsibilities of the Standards, Audit and Risk Committee

Internal Audit

- 8.3 To review and approve the Internal Audit Strategy and Annual Audit Plan ensuring that the process has due regard to risk and coverage
- 8.4 To monitor progress towards delivering the Annual Audit Plan, review audit reports submitted by the Service Manager - Audit and Risk Management and monitor management action taken in response to audit recommendations;
- 8.5 To consider the Service Manager - Audit and Risk Management's annual report, including opinion on the Council's framework of governance, risk management and control;
- 8.6 To review the operational effectiveness of Internal Audit by considering its standards, resources, staffing, technical competency, performance measures and output from the External Quality Assessment;
- 8.7 To ensure there is direct contact between the committee and Internal Audit
- 8.8 To take account of the implications of publications detailing best practice for audit, risk management, governance and control and assess their relevance to Fife Council;
- 8.9 To take account of recommendations contained in the relevant reports / minutes of external scrutiny agencies and Arm's Length Organisations (ALEOs);
- 8.10 To review the effectiveness of the Council's anti-fraud and corruption arrangements, including relevant local and national reports.

Risk Management

- 8.11 To approve the Council's Risk Management Policy and Strategy and any subsequent significant amendments.
- 8.12 To approve the Council's Strategic Risk Register.
- 8.13 To receive and consider relevant update reports on the Council's risk management arrangements.

External Audit

- 8.14 To review the External Audit Strategy and Plan;
- 8.15 To consider all statutory audit material, including:-
 - relevant national reports (including Local Government in Scotland Overview Reports);
 - annual reports; and
 - management letters.
- 8.16 To monitor management action taken in response to External Audit recommendations.
- 8.17 To review the extent of co-operation between external and internal audit.
- 8.18 To note the appointment and remuneration of External Auditors.

Annual Accounts

- 8.19 Approve the Fife Council Annual Governance Statement.
- 8.20 Consider the Fife Council draft annual accounts for submission to External Audit.
- 8.21 Review significant changes in accounting policy.
- 8.22 To consider and approve the Council's audited annual accounts.

Standards

- 8.23 To consider all matters concerning the establishment, maintenance and public availability of a register of interests that have been declared by members or employees of the authority including guidance on the same.
- 8.24 To approve any protocol to guide members and officers in their relations with one another.
- 8.25 To receive any report or recommendation made by Scottish Ministers or the Standards Commission for Scotland but excluding any report made by the Standards Commission in respect of a member of Fife Council, which reports shall be referred to Fife Council in terms of the relevant legislation.
- 8.26 To approve the Council's Customer Care and Complaints Policies.
- 8.27 To approve the Council's Code of Conduct for Employees.
- 8.28 To receive the annual report of the Scottish Public Services Ombudsman and any report by the Scottish Public Services Ombudsman of mal-administration against the Council.

8.29 To receive the annual report of the Scottish Information Commissioner on the Freedom of Information (Scotland) Act 2002.

Powers

8.30 The Committee will have the power:

8.30.1 to hold meetings with the Service Manager - Audit and Risk Management and external auditors at least once per year without the presence of the Executive Directors;

8.30.2 to invite such persons with particular expertise in areas being considered by the committee to address the committee or to take part in meetings; and

8.30.3 to review its own performance, effectiveness and terms of reference on an annual basis and report on the roles and responsibilities of the committee and actions taken to discharge those, including submitting an annual report of the work of the committee to Fife Council.

Scrutiny

8.31 The Committee shall scrutinise and investigate any particular matter within its remit as determined by the Committee, or any particular matter referred to the Committee by the Chief Executive, Executive Directors, heads of service or the Service Manager - Audit and Risk Management relating to standards, audit or risk management matters and which the committee considers requires further examination. Any committee referring a matter to the Standards, Audit and Risk Committee shall set out the precise scope of the matter to be considered. The committee shall also have the option of referring matters not within its remit to the relevant scrutiny committee.

9.0 Planning Committees

9.1 There shall be two regular planning committees. One for North East Fife and another for West and Central Fife. Their boundaries will be the same as those of North East Fife Area Committee (North East Planning Committee); and Levenmouth, Kirkcaldy, Glenrothes, Cowdenbeath, City of Dunfermline and South and West Fife Area Committees (West and Central Planning Committee). In addition, the Fife Planning Committee will be established in accordance with paragraph 9.4 below.

9.2 The terms of reference and functions of the planning committees are to deal, in respect of their geographical extent, with the following matters:-

- considering all planning applications (including the holding of pre-determination hearings for applications) which are to be determined by the Fife Planning Committee;
- determining all planning and other development applications, including road construction consents, which can be determined by a committee;
- planning enforcement matters, reports and the serving of notices insofar as not delegated; and
- determining road and footpath orders under section 207 and 208 of the Town and Country Planning (Scotland) Act 1997 (as amended).

9.3 For any application which raises a compelling reason to do so, the Proper Officer shall decide which committee should determine the application, in consultation with the Executive Director (Place) and the relevant Convener(s). Examples of compelling reasons would include (but not be limited to):

- an application which has an impact beyond the geographical boundary of a single planning committee;
- where a member of the planning committee or a close family member has submitted the planning application; and
- where the application proposal has already been considered by North East Fife Area Committee.

In these instances, provision shall be made, as necessary, for the views of the other committee to be sought.

9.4 Fife Planning Committee may also be established from time to time and as required, to consider the determination of national planning applications or major applications significantly contrary to the Development Plan only.

Planning Committee Membership and Convener

9.5 The North East Planning Committee will consist of all members of the North East Fife Area Committee and the Convener of North East Fife Area Committee shall be the Convener of North East Planning Committee.

9.6 The West and Central Planning Committee will comprise 16 members, based on political balance. The Conveners of the area committees covered by West and Central Planning Committee shall, if possible, be members of the planning committee for their area. One of the area Conveners shall normally, subject to the provisions of Standing Order No. 5.1, be the Convener of the West and Central Planning Committee.

9.7 Fife Planning Committee will comprise 21 elected members, who are members of the North East Planning Committee, West and Central Planning Committee or the Fife Planning Review Body, based on the political balance of the Council as a whole. Consideration of a report for a relevant application will be chaired by the Convener of the North East Planning Committee or the West and Central Planning Committee. Which Convener will chair consideration of an application will be determined by the Proper Officer (in consultation with the Executive Director (Place) and the relevant Conveners). Normally, this will be the committee Convener within which all or the majority of an application site is located.

10.0 Fife Planning Review Body

Terms of Reference

- 10.1 To conduct reviews in accordance with Section 43A(8) of the Town and Country Planning (Scotland) Act 1997, as amended and regulated by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 10.2 To review any decision by a person appointed to consider applications relating to local developments where the person has:-
- been refused an application for planning permission or for consent, agreement or approval;
 - been granted it subject to conditions; or
 - failed to determine it within the prescribed period; and
- 10.3 To uphold, reverse or vary any determination by virtue of the preceding paragraph.

11.0 Community Empowerment Act Review Committee

Terms of Reference

- 11.1 To review, in line with the provisions of the Community Empowerment Act 2015, refusals of asset transfer requests considered by the relevant area committee and determined by the Cabinet Committee.

12.0 Regulation and Licensing Committee

Terms of Reference

- 12.1 The terms of reference and functions of the Regulation and Licensing Committee are to deal with the following matters (unless otherwise delegated to officers):-
- 12.1.1 the Council's functions as statutory licensing authority under the Civic Government (Scotland) Act 1982 including:-
- the granting, refusal, suspension or revocation of licences (unless a decision is required as a matter of urgency or emergency in accordance with the criteria in the List of Officer Powers);
 - the holding of statutory hearings and appeals; and
 - the development, maintenance and review of policy.
- 12.1.2 other matters under the Civic Government (Scotland) Act 1982, including:-
- the consideration of notification of street parades and processions but only in those cases where a written objection has been submitted to the Council; and
 - the making of orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982.
- 12.1.3 the Council's functions as statutory licensing authority under the Housing (Scotland) Act 2006 including:-
- the grant, suspension or revocation of licences; and
 - the holding of statutory hearings and appeals

13.0 Rates Appeal Committee

Terms of Reference

- 13.1 To consider and determine - (a) appeals from ratepayers against rates claimed from them on the grounds that the ratepayers are being improperly charged in terms of section 238 of the Local Government (Scotland) Act 1947; and (b) appeals from businesses in business improvement districts under the Planning etc. (Scotland) Act 2006 (Business Improvement Districts Levy) Order 2007; in accordance with such rules relating to the lodging and hearing of appeals as the committee may from time to time determine.

14.0 Pensions Committee

Terms of Reference

- 14.1 The remit of the Pensions Committee shall be:-
- 14.1.1 to determine the overall policy objectives of the pension fund in accordance with the best interests of fund members and employers within all applicable legislation;
- 14.1.2 to determine the strategy for the investment of pension fund assets, including the variety and suitability of investments taking cognisance of proper advice and to review and monitor investment arrangements and performance;
- 14.1.3 to consider and determine (except insofar as delegated to the Executive Director (Finance and Corporate Services) or any other officer) all matters relating to the Council's functions in regard to pensions administered by the Council including:-
- the implications, including financial implications arising from any legal matter relating to the Council's responsibilities for pensions or resulting from any government policy initiative;
 - any matter relating to the Council as administering authority for the Pension Fund under the LGPS Regulations;
 - actuarial valuation reports and any matter arising therefrom;
 - consideration of any government proposals or consultation papers relating to pension issues and responses on behalf of the Council as administering authority;
 - best value/service efficiency reviews in regard to areas within its remit; and
 - review of contribution rates and admission of new employers to the Fife Council LGPS Scheme;
- 14.1.4 to establish and maintain arrangements for the effective management and administration of the pension fund; and
- 14.1.5 to appoint members to the Pension Board.

Audit and Risk Management function

- 14.2 The Pensions Committee will:-

Audit activity

- 14.2.1 review and approve the Audit Plan ensuring that the process has due regard to risk and coverage;

- 14.2.2 monitor progress towards delivering the Audit Plan, review audit reports submitted by the Service Manager - Audit and Risk Management and monitor management action taken in response to audit recommendations;
- 14.2.3 consider the Service Manager - Audit and Risk Management's Annual Report and opinion;
- 14.2.4 ensure there is direct contact between the committee and Internal Audit and the opportunity for discussions to take place (including planning discussions) with the Service Manager - Audit and Risk Management (as required) without the presence of Executive Directors;
- 14.2.5 take account of the implications of publications detailing best practice for audit, risk management, governance and control and assess their relevance to the Pension Fund; and
- 14.2.6 review the effectiveness of anti-fraud and corruption arrangements, including relevant local and national reports.

Risk Management activity

- 14.2.7 approve the Pension Fund's Risk Management Policy and Strategy;
- 14.2.8 approve the Pension Fund's Risk Register; and
- 14.2.9 receive and consider relevant update reports on the Pension Fund's risk management arrangements.

External Audit activity

- 14.2.10 review the External Audit Strategy and Plan and note the appointment and remuneration of external auditors;
- 14.2.11 consider all statutory audit material, including:
- relevant national reports;
 - annual reports; and
 - management letters.
- 14.2.12 monitor management action taken in response to External Audit recommendations; and
- 14.2.13 hold meetings with the external auditors at least once per year without the presence of the Executive Directors and review the extent of co-operation between external and internal audit.

Annual Accounts activity

- 14.2.14 approve the Pension Fund's Annual Governance Statement;
- 14.2.15 consider the Pension Fund's draft annual accounts for submission to external audit;
- 14.2.16 review significant changes in accounting policy; and
- 14.2.17 consider and approve the Pension Fund's annual audited accounts.

15.0 Commencement and Review

- 15.1 The Committee Powers will come into force on 17 May 2024.
- 15.2 The Committee Powers will be kept under review at least once during every Council term and proposed amendments submitted for consideration by Fife Council, as appropriate.

General provisions – Committee Membership

1. When the Cabinet Committee or Education Scrutiny Committee meet to discharge education functions, its membership also comprises three persons representing churches and other religions appointed under section 124 of the Local Government (Scotland) Act 1973.
2. To ensure good governance, where a member of the Cabinet Committee is also a member of a scrutiny committee, that member will not be able to vote at a scrutiny committee on any matter which the scrutiny committee has called in from the Cabinet Committee.
3. The Fife Planning Review Body shall consist of 10 members, based on political balance calculated as above, all of whom will normally also be members of a planning committee or have previous experience of planning committee decisions. The Review Body will be chaired by a single Convener or, in the Convener's absence, by a Depute Convener. Normally, a meeting of the Review Body will consist of five members. The quorum shall be three.
4. Normally, a meeting of the Community Empowerment Act Review Committee will consist of five members. The quorum shall be three. The committee will comprise the same membership as the Fife Planning Review Body. Where the committee is considering a review, it will not include any members from the area committee that made the initial decision.
5. The Pensions Committee shall invite two representatives nominated by the JNCF (representing the interests of employees) and two representatives nominated by scheduled and admitted bodies (representing the interests of employers) to act as observers, in a non-voting capacity.

Allocation of committee seats on basis of political balance

	Labour	S.N.P.	Lib Dem	Cons	Total
Cabinet (made up of 6 spokespersons and 15 ordinary members) + Council Leader	6	9	4	2	21+ Council Leader
Education Scrutiny	4	7	3	2	16
People and Communities Scrutiny	4	7	3	2	16
Finance, Economy & Corporate Services Scrutiny	4	7	3	2	16
Environment, Transportation and Climate Change Scrutiny	4	7	3	2	16
Standards, Audit & Risk	3	4	2	1	10
Regulation & Licensing	4	7	3	2	16
West and Central Planning	5	8	1	2	16
Fife Planning Review Body	3	4	2	1	10

	Labour	S.N.P.	Lib Dem	Cons	Total
Fife Planning Committee (includes Conveners of both North East Planning and West and Central Planning Committees in allocation)	6	9	4	2	21
Rates Appeal Committee	2	3	1	1	7
Pensions Committee	2	4	2	1	9

Allocation of Area Committee seats

Area Committee membership

The committee will comprise all members for the relevant area.

	Labour	SNP	Lib Dem	Cons	TOTAL
City of Dunfermline	3	5	2	1	11
Cowdenbeath	3	4	0	1	8
Glenrothes	3	6	0	1	10
Kirkcaldy	5	5	0	2	12
Levenmouth	3	4	1	0	8
North East Fife	0	5	10	1	16
South West Fife	3	5	0	2	10
TOTAL	20	34	13	8	75

Membership and Remits of Sub-Committees

Cabinet Committee Sub-Committees

(i) **Appeals Sub-Committee (6 members)**

Terms of Reference

(The sub-committee shall be drawn from a panel comprising 24 elected members, based on political balance).

- except as otherwise provided for in this Committee Powers' document, to consider and determine, with powers, appeals submitted by any employee who is entitled to appeal to the Council under any statutory provision contract of employment, condition of service or any Council policy or procedure on employment; and
- to act as the disputes sub-committee of the Council in determining, with powers, the Council's position on any matter which is the subject of a formal dispute (except insofar as a decision has already been taken by Fife Council).

(ii) **Appointments Sub-Committee (9 members in the case of the Chief Executive, 9 members in the case of first tier posts and 4 members in the case of second tier posts)**

(The sub-committee shall be drawn from a panel comprising 24 elected members, based on political balance.)

The appropriate spokesperson shall be given the option of a place on the Appointments Sub-Committee whether or not they are a member of the Panel.

Terms of Reference

- With powers, to consider arrangements, undertake shortlisting, interview and appoint candidates for first and second tier posts including the post of Head of Paid Service.

(iii) **Hearing Committee (4 members)**

Terms of Reference

- To determine the outcome of any matter formally investigated under the Scottish Joint Negotiating Committee for Chief Officials Chief Executive Disciplinary Framework.

(iv) **Emergency Sub-Committee (3 members comprising the Provost, Leader of the Council and Leader of the Opposition or designated deputies or nominees)**

Terms of Reference

To consider with powers:-

- such action as may be necessary with respect to any emergency or disaster (involving actual or apprehended destruction of or danger to life or property) or to any matter of special urgency.

(v) **Education Appeal Committee (5 members)**

All members can vote

The membership of the Education Appeal Committee comprises three members of Council, one parent member and one person with an educational background.

(The committee shall be appointed from a panel comprising 17 members of Fife Council, based on political balance, plus three religious representatives, up to a maximum of five parents of school age children and up to a maximum of five persons with experience of education and who are acquainted with the educational conditions in the area.)

Terms of Reference

To consider, with powers, appeals of decisions relating to:-

- the refusal of placing requests; and
- exclusion of pupils from schools.

(vi) **Education Appointment Committees (6 members)**

All members can vote

Note - The Council members of the Education Appointment Committees will be drawn from a panel comprising 17 members of Fife Council, based on political balance (plus three religious interest representatives).

The Appointment Committee for posts of headteachers will comprise six members (two elected members, one of whom will chair the meeting), two nominees of the Executive Director (Education) and two nominees of the parent council of the school); and

The Appointment Committee for posts of depute headteachers will comprise officers and nominees of the parent council.

Terms of Reference

- To interview for posts of headteacher and depute headteacher and to make recommendations to the Executive Director (Education) for appointment in terms of the Parental Involvement Act 2006;

Common Good and Trusts Investment Sub-Committee

(9 members, the membership to be the same as that of the Pensions Committee)

Terms of Reference

The remit of the Common Good and Trusts Investment Sub-Committee shall be:-

- To arrange for the supervision of the management and administration of the investments of the common good fund and all trust funds and to make decisions relating to the appointment of fund managers in that regard.

Sub-Committee	Labour	SNP	Lib Dem	Con		TOTAL
Appeals (Panel)	6	11	4	3		24
Appointments (Panel)	6	11	4	3		24
Hearing Committee	1	2	1	0		4
Emergency	2	1	0	0		3
Education Appeals Panel	4	8	3	2		17
Education Appointment Panel	4	8	3	2		17
Common Good	2	4	2	1		9

City of Dunfermline and South and West Fife Area Committees

West Fife Area Common Good Sub-Committee

Membership

Six members, comprising three members from South and West Fife Area Committee and three members from City of Dunfermline Area Committee, based on political balance as calculated above.

Terms of Reference

- To consider the disbursement of monies from the common good fund.

Should the membership be nominated on the basis of political balance, there would be the following allocation to each group:

Sub-Committee	Labour	SNP	Lib Dem	Con		TOTAL
City of Dunfermline	1	1	1	0		3
South and West Fife Area	1	1	0	1		3
TOTAL						6

Partnership and Statutory Bodies

Fife Partnership

Fife Council has a statutory duty to lead community planning for the Fife area. This is carried out by the Fife Partnership. The Council's representatives on the Partnership comprise the Leader of the Council, the Leader of the Opposition and the Spokesperson for Communities and Leisure Services.

Integrated Joint Board

The Council appoints eight members to the Board, based on political balance.

Community Safety Partnership

The Council appoints four members to the Partnership, based on political balance. The Partnership will report on a regular basis to the People and Communities Scrutiny Committee regarding the delivery of shared outcomes, with a particular focus on prevention and intervention in relation to emerging national and local community safety trends.

Licensing Board

In terms of the Licensing (Scotland) Act 2005, the Council has appointed a licensing board for Fife. The main function of the Board is to regulate premises selling alcohol to the public. The Board also regulates certain gambling functions.

The membership of the Licensing Board comprises 10 members reflecting the political balance of the Council.

Fife Licensing Board	3 Lab	4 SNP	2 Lib Dem	1 Cons	10 Total
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Fife Pensions Board

The Council has appointed a Pensions Board under the Pensions Act 2013. Its membership consists of four trade union representatives and four employer representatives, the latter comprising two elected members (one each from the Administration and Opposition) and one from each of the scheduled and admitted bodies.

The Pension Board is the body responsible for assisting the Scheme Manager in relation to compliance with scheme regulations and the requirements of the Pensions Regulator.

The Pension Board will determine the areas they wish to consider including, amongst others:

- reports produced for the Pensions Committee;
- seek reports from the scheme managers on any aspect of the fund;
- monitor investments and the investment principles/strategy/guidance;
- the fund annual report;
- external voting and engagement provisions;

- fund performance and administration;
- actuarial reports and valuations;
- funding strategy; and
- any other matter that the Pensions Board deem appropriate.

Fife Educational Trust Scheme 1958 - East and West Fife Committees

The Council has constituted East and West Fife Committees as required by the Fife Educational Trust Scheme 1958. Appointees include eight elected members on East Committee and nine elected members on the West Committee, allocated by areas as specified in the Trust Scheme.

<p>Fife Educational Trust Scheme 1958 – East Fife Committee</p> <p>2 SNP, 0 LAB, 5 LIB DEM, 1 CONS</p>	<p>8 Members from East Area – to be determined on the basis of political balance (and a suitable geographical spread) within the North East Area</p>
<p>Fife Educational Trust Scheme 1958 – West Fife Committee</p> <p>4 SNP, 3 LAB, 1 LIB DEM, 1 CONS</p>	<p>9 Members from West Area - to be determined on the basis of political balance (and a suitable geographical spread) within the 6 Council Areas other than North East Fife.</p>

Fife Council Protocol Honorary Freeman and Freewomen of Dunfermline

Criteria

1. The Fife Council, on receipt of a recommendation from the City of Dunfermline Area Committee will consider admitting as Honorary Freeman or Freewomen of Dunfermline, Persons of distinction or persons who have rendered eminent service to Dunfermline. In this connection, regard will be paid to the following criteria, namely persons who have:-
 - Given outstanding service, either in a public or private capacity, to the community of Dunfermline over a considerable period of time.
 - Provided exceptional service or made an exceptional contribution to:-
 - Good or charitable causes
 - Academic, scientific or educational interests
 - The arts, culture or sport
 - The Government
 - The military or other service on behalf of His Majesty

Thereby enhancing the good name of Dunfermline, nationally or internationally.

- Undertaken acts of heroism in Dunfermline or in respect of Dunfermline citizens
- Made an exceptional contribution to international peace or democracy, worthy of recognition on behalf of the people of Dunfermline.

Title

2. The Title to be bestowed on persons being admitted will be 'Honorary Freeman/ Freewoman of the City of Dunfermline' as the case may be.

Approval

3. The formal approval of the Council is by resolution passed by not less than two-thirds of the members voting thereon at a meeting of Fife Council, the notice which specifies the proposed admission as an item of business. Before formal resolution of the Area Committee recommendation is sought, it will be essential for any nominations to be discussed on a confidential basis with the Provost/ Convenor of the City of Dunfermline Area Committee who shall take advice from Civic Services and the Monitoring Officer.

Roll

4. A roll will be kept listing the persons admitted as Honorary Freeman/Freewomen.

Presentation

5. The Freedom of Dunfermline will be presented at a civic reception for invited guests.



**Fife Council
Governance Scheme Part 3
List of Officer Powers**

**Fife House,
North Street,
GLENROTHES,
Fife.
KY7 5LT**

Effective from 17 May 2024

Date	Author	Version	Status	Reason for Change
12/11/20	HC	3.0	Post Council Final Version	Includes amendments agreed at Council on 12 November 2020 and consequential minor amendments made under delegated authority

List of Officer Powers

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1.0 Application

1.1 Commencement

This List of Officer Powers shall commence and have effect as from 17 May 2024. It replaces the List of Officer Powers which came into effect on 12 November 2020. It is a summary of the functions, with associated powers, which Fife Council has chosen to delegate to officers in terms of s.56 of the Local Government (Scotland) Act 1973.

1.2 Interpretation

1.2.1 In this document, the words “Act”, “Council” and “Executive Director” shall have the following meanings respectively:-

- “Act” means the Local Government (Scotland) Act 1973
- “Council” means the Fife Council
- “Executive Director” means any of the Chief Executive, the Executive Directors (Education), (Place), (Finance and Corporate Services); (Communities); and the Director of Health and Social Care.

1.2.2 Any reference to any Act of Parliament shall mean the Act of Parliament as from time to time amended, extended or re-enacted and to include any byelaws, statutory instruments, rules, regulations, orders, notices, directions, consents or permissions made under it. Any reference to any statutory instrument, regulation or order shall mean that instrument, regulation or order (as the case may be) as from time to time amended, extended or re-enacted.

1.2.3 Subject to the rest of paragraph 1.2, the Interpretation Act 1978 shall apply to the interpretation of this document as it applies to the interpretation of an Act of Parliament.

1.3 Alteration

Subject to the provisions of the Act, Fife Council shall be entitled to amend, vary or revoke this document from time to time. Non-substantive amendments may be made by the Chief Executive in terms of paragraph 3.2.4.

1.4 General provisions for all users of delegated powers

1.4.1 Where an Executive Director has delegated authority, the principle of subsidiarity should be applied and decisions should be further delegated to as close to the point of service delivery as is appropriate in the circumstances. Each Executive Director must prepare and publish internally a List of Officer Powers / Scheme of Delegation for the services for which they are responsible which details those decisions which have been delegated to officers within these services, as well as making a copy available to members of the public on request. Actions which relate to areas of professional specialisms must be delegated to appropriate officers.

- 1.4.2 An Executive Director may arrange for powers delegated to them to be exercised by another Executive Director. When powers are delegated to another Executive Director, both Executive Directors must retain a written record of the delegated powers in question.
- 1.4.3 All delegated powers must be exercised subject to adequate budgetary provision being available and having regard to the terms of:-
- all relevant legislation and other legal frameworks
 - the Council's Financial Regulations
 - Standing Orders - Scheme of Tender Procedures
 - the Council's human resources policies and procedures
 - relevant plans and policies adopted by the Council, including the Plan for Fife
 - National Code of Local Government Conduct
 - The Scottish Joint Committee Council's Terms and Conditions for all employees working for local Councils
 - any relevant provisions contained elsewhere in the Council's Governance Scheme (including Standing Orders and the List of Committee Powers)
 - The Public Sector Equality Duty.
- 1.4.4 An employee must not make any decision or take any action in accordance with powers conferred by this document or any service scheme of delegation if the decision or outcome could create the perception that an employee is not strictly adhering to the key principles of public life as set out in the Council's Employee Code of Conduct. These principles are:
- Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - Respect
 - Leadership
- 1.4.5 Delegated powers must not be used where either the interests of the employee, the matter to which the decision relates, or the identity of any other person involved could lead a member of the public to conclude that the powers had been used to obtain preferential treatment or to avoid scrutiny by the Council or a committee of the Council. If an employee is in any doubt as to whether they should make use of delegated powers, they should seek guidance from their Executive Director.
- 1.4.6 The provisions of this document are intended to assist in the efficient and effective management of the Council's activities and to foster a culture of responsiveness to customers and service users. It is important that officers pay due regard to the need for appropriate periodic reporting of delegated decisions to elected members of the Council, both for information purposes and to allow elected members to properly discharge their scrutiny role.

- 1.4.7 The powers granted directly to officers under statute, and those implicit in the terms of contracts of employment of Executive Directors or other officers, are not covered exhaustively in this document: when set out in the body of this document, it is for information purposes only.
- 1.4.8 Where a power to be exercised is in pursuance of a specific statutory function, then the relevant officer shall be presumed to have delegated authority to exercise the power, except where:
- the exercise involves the setting of policy
 - the power has been specifically reserved to Fife Council or a committee or sub-committee and paragraph 2.1 does not apply; or
 - the power cannot be delegated by law to an officer.
- 1.4.9 Where appropriate, and as provided for in this document, consultation with relevant elected members should be carried out wherever practicable by officers before exercising delegated powers. Such consultation should be meaningful and have regard to the terms of the Member Officer Protocol whilst balancing the need for open and honest dialogue against time pressures and the efficient dispatch of Council business.
- 1.4.10 The way we communicate as a Council, and as individuals on behalf of the Council, is bound by The Code of Recommended Practice on Local Government Publicity (1988).

In summary, this confirms all Council communication should:

- be directly relevant to the functions of the Council
- not duplicate unnecessarily, publicity produced by another authority
- be targeted, objective, fact based and explanatory
- not be – or liable to be – misrepresented as being party political
- not over simplify controversial issues
- be delivered efficiently and effectively
- be justifiable in terms of public spending

2.0 Delegations to all Executive Directors

2.1 Emergencies and Cases of Urgency

- 2.1.1 An Executive Director is authorised to take such measures as may be required in emergency situations, or in cases of urgency, including during a vacation period, subject to advising the appropriate Convener and Depute Convener, as soon as possible, and to reporting to the appropriate committee as soon as possible thereafter, on any items for which committee approval would normally be necessary. Where such measures involve the Council in incurring expenditure, then the Chief Executive and Executive Director (Finance and Corporate Services) should be advised.

2.2 **Proper Officer**

2.2.1 An Executive Director shall, in respect of any report prepared by or on their behalf, act in consultation with the Executive Director (Finance and Corporate Services) as the Proper Officer for the purposes of section 50D of the Act (Inspection of Background Papers).

2.3 **Employees**

2.3.1 An Executive Director may amend the establishment of their services below second tier level where:-

- the Executive Director (Finance and Corporate Services) has been consulted
- costs can be met on a continuing basis
- the post has been graded (new posts) or re-graded (existing posts) under the appropriate Job Evaluation Scheme
- there is no conflict with other Council policies

Any posts established should be reported in the relevant directorate's annual performance monitoring report to committee, consulting with the political groups on any major establishment changes.

2.3.2 An Executive Director may appoint an employee below second tier level where:-

- the appointment is in accordance with the Council's pay and grading arrangements;
- costs can be met on a continuing basis; and
- there is no conflict with any current policy on appointments to vacancies.

2.3.3 An Executive Director shall be responsible for implementing the provisions of the Council's employment policies and procedures including decisions to dismiss under the agreed Disciplinary and Attendance Management Procedures. Dismissals should be reported in the relevant directorate's annual performance monitoring report to committee.

2.3.4 An Executive Director may authorise employees to attend:-

- training and development events, courses, conferences and seminars subject to reports being made available to elected members; and
- meetings of appropriate professional associations

2.3.5 An Executive Director may approve the voluntary redundancy, early retirement or ill health retiral of any employee in their directorate where:-

- the Executive Director (Finance and Corporate Services) has been consulted and has agreed. In the case of Finance and Corporate Services' employees, the Executive Director shall advise the Chief Executive of any relevant matters; and
- the termination is in accordance with the relevant Council policy. Any such terminations should be reported to the Cabinet Committee as part of the

annual review of discretionary exit payments and reported as part of the monitoring report to the Pensions Committee.

2.3.6 An Executive Director may respond to consultations from the Scottish or UK Government, local authorities or other bodies on matters relevant to the Council. In advance of submitting a consultation response, the Executive Director should, where practicable within the timescale allowed for the consultation, consult with the Leader of the Council and relevant spokesperson and if relevant committee Convener on the content of the Council's response. Elected members can request that a consultation response is submitted to the relevant committee for approval.

2.4 **Contracts**

2.4.1 The delegations to Executive Directors in respect of contracts are set out in the Council's Standing Orders - Scheme of Tender Procedures.

2.5 **Finance**

2.5.1 An Executive Director may, in accordance with procedures set out in the Council's Financial Regulations and the Budget Transfer Guidance, transfer revenue budget amounts between heads of expenditure.

2.6 **Advertising**

2.6.1 An Executive Director may authorise the accepting of advertising and/or sponsorship in respect of Council controlled media where the value of the contract to be entered into is less than £20,000 and the terms of the Council's Advertising and Sponsorship Policy are complied with, with the agreement of the Executive Director (Communities).

2.7 **Grants**

2.7.1 An Executive Director may determine applications for grant which are received from individuals, voluntary bodies, agencies or businesses in those cases where the sum applied for is up to and including but not in excess of £5,000 and the Council already has in place agreed criteria and assessment systems relating to the type of grant applied for. An annual report detailing such expenditure must be submitted to the relevant committee.

2.7.2 Decisions in respect of grants paid from the Community Safety Project Fund should only be made following consultation with the Convener of, and the elected member representatives on, the Community Safety Partnership Group and the relevant spokesperson.

2.7.3 An Executive Director may apply for grants or a challenge fund, so long as these do not give rise to future financial commitments that the Council has to meet, or do not need the Council to provide additional funding that cannot be met from existing resources. Terms and conditions of grant should be reviewed and accepted by the Head of Finance following financial review. A record will be kept of all such additional funding to enable the grant income to be maximised and also its full auditing.

2.8 **Ex Gratia Payments**

- 2.8.1 Where an individual complaint or claim for compensation has been or is likely to be submitted to the Council, then an Executive Director may decide that the circumstances giving rise to the claim merit the making of an ex gratia payment. All ex gratia payments must be made without any admission of legal liability and this must be stated in writing at the time any payment is made. Executive Directors and the Chief Executive are authorised to make such payments up to the value of £5,000 and £10,000 respectively.

2.9 **Power of Well-being**

- 2.9.1 An Executive Director may, following consultation with the Executive Director (Finance and Corporate Services), exercise the Council's Power to Advance Well-being to take measures where expedited action is necessary. The Executive Director shall record the exercise of the power and the costs incurred in a register to be maintained by the Executive Director (Finance and Corporate Services). Where the use of the power relates to a single ward, the ward elected members shall be advised of its use.

3.0 **Chief Executive**

In addition to the delegated authority specified in section 2 above, the Chief Executive is authorised:-

3.1 **General**

- 3.1.1 To act as the Head of the Council's Paid Service in terms of section 4 of the Local Government and Housing Act 1989.
- 3.1.2 To give a direction in special circumstances that any employee shall not exercise a delegated function subject to reporting on the terms of the direction to the next meeting of the appropriate committee.
- 3.1.3 To determine, in the temporary absence of any Executive Director, who may exercise powers not already delegated further on their behalf; in the absence of the Chief Executive, this power will be exercised by the Executive Director (Finance and Corporate Services).
- 3.1.4 To decide, in consultation with the Provost and the Council Leader, requests for inward and outward visits in connection with existing twinning links.
- 3.1.5 To determine applications by elected members (in consultation with the applicable group leader) to attend training and development events, courses including conferences and seminars and meetings of professional associations, within and outwith the United Kingdom.
- 3.1.6 To agree, on behalf of the Council, local variations to terms and conditions for matters not covered by existing terms and conditions at a national or local level e.g. additional leave for state occasions.

3.2 **Proper Officer**

3.2.1 To act as the Proper Officer for the following purposes of the Act:-

- (a) section 33A - Declaration of acceptance of office as a Councillor
- (b) section 34 - Receipt of resignations of Councillors
- (c) section 194 (1) - Execution of deeds.

Other than provided for in this document, this authority cannot be delegated further.

3.2.2 To act as Proper Officer for the nomination of a substitute elected member pro tem for any specific meeting of the Tay Road Bridge Joint Board in the event of neither the member nor the substitute member being available.

3.2.3 To act as the Proper Officer for the purpose of determining which committee or sub-committee should consider any matter in terms of the Council's List of Committee Powers.

3.2.4 To make, in consultation as necessary with the Council Leader and the Leader of the Opposition, such non-substantive amendments of a technical, or grammatical nature as may from time to time be required to the List of Committee Powers, List of Officer Powers, Standing Orders and / or Financial Regulations, arising from changes to the organisational structure, changes to the law, or otherwise.

3.3 **Employment Matters**

3.3.1 The Chief Executive may amend the establishment at first tier level, subject to advising the group leader where:-

- the Executive Director (Finance and Corporate Services) has been consulted;
- costs can be met on a continuing basis;
- the post has been graded (new posts) or re-graded (existing posts) under the appropriate Job Evaluation Scheme; and
- there is no conflict with other Council policies.

Any posts established should be reported in the appropriate directorate's annual performance monitoring report to committee, consulting with the political groups on any major establishment changes.

3.3.2 The Chief Executive may make a temporary appointment at first tier, subject to advising the group leaders, where:-

- the appointment is in accordance with the Council's pay and grading arrangements;
- costs can be met on a continuing basis; and
- there is no conflict with any current policy on appointments to vacancies.

- 3.3.3 To suspend any Executive Director from duty on full pay for the proper exercise of discipline and to protect the interests of the Council where:-
- there is no conflict with relevant statutory provisions and Council policies
 - any suspension should be reported to the Cabinet Committee as soon as practicable.
- 3.3.4 To agree severance terms with any chief officer whereby the chief officer agrees to terminate their contract of employment with the Council where there is no conflict with relevant statutory provisions and Council policies.
- 3.3.5 To deal with and, where appropriate, approve applications by employees for assistance with legal expenses for their defence or towards the payment of any fine imposed where:-
- an employee has been charged, convicted or fined in respect of acts or omissions arising in the course of their employment under:
 - the Health and Safety at Work etc. Act 1974
 - the Road Traffic Acts
 - other relevant legislation
 - an employee aggrieved by a decision of the Chief Executive has a right to appeal to the appropriate Appeals Sub-Committee.

3.4 **Elections**

- 3.4.1 To act as the Returning Officer and to appoint Depute Returning Officers, as required, with full or limited powers, duties and rights for the administration and delivery of any statutory elections or referenda.
- 3.4.2 To have delegated authority to make any necessary changes to the Council's polling scheme during a statutory election period for the efficient delivery of the poll.

4.0 Executive Director (Finance and Corporate Services)

In addition to the delegated authority specified in section 2 above, the Executive Director (Finance and Corporate Services), is authorised:-

4.1 **General**

- 4.1.1 To institute, defend, settle or appear in any legal or tribunal proceedings or any hearing or inquiry held by or on behalf of any minister or public body under any enactment (including, for the avoidance of doubt, proceedings before any statutory tribunal, board or authority) and to appoint or consult with external legal advisers including counsel, where it is considered expedient to do so for the promotion or protection of the Council's interests.
- 4.1.2 To execute, publish or serve on any person or body, any notice, direction, order, licence, summons, writ or other document which the Council is required or authorised to execute, publish or serve under the Act or any other act or any regulation or order made thereunder, other than where the execution, publication or service of any document has been delegated by the Council to another Executive Director.

- 4.1.3 To make arrangements (where no arrangements are being made on a person's behalf and they are incapable of adequately managing their property and affairs) for applying to the court for the appointment of a welfare or financial guardian or intervener under the Adults with Incapacity (Scotland) Act 2000 ("the 2000 Act") and to otherwise act on the Council's behalf in any proceedings under the 2000 Act.
- 4.1.4 With reference to planning appeals - to submit a statement on behalf of the Council in respect of such appeals where decisions have been made contrary to the officer's recommendation. This power is to be exercised in consultation with the appropriate officers.
- 4.1.5 To lodge, maintain and withdraw representations or objections on behalf of the Council to liquor licensing applications. This power is to be exercised in consultation with any other Executive Director who wishes to be represented.
- 4.1.6 To lodge, maintain and withdraw representations or objections on behalf of the Council relating to applications for the provision of gaming machines.
- 4.1.7 To consider applications for licences under Section 3 of the Civic Government (Scotland) Act 1982 and thereafter to determine these and other applications for licences, permissions, permits and ancillary matters in terms of that Act, the Theatres Act 1968, the Gambling Act 2005 and the Cinemas Act 1985 that determination being subject to there being no objections or representations to the application.
- 4.1.8 On being satisfied that it is appropriate to do so, to institute proceedings against persons contravening sections 35, 41 or 42 of the Education (Scotland) Act 1980 in relation to irregular attendance of school pupils, in consultation with the Executive Director (Education).
- 4.1.9 To carry out all functions of the Council relating to the Children's Panel in terms of the Children's Hearings (Scotland) Act 2011.
- 4.1.10 To carry out all necessary actions to ensure the Council complies with its obligations in relation to data protection and freedom of information legislation as well as the Regulation of Investigatory Powers (Scotland) Act 2000; this power shall include the power to appoint a data protection officer and acting as designated senior officer for the purposes of the Regulation of Investigatory Powers Act 2000.

4.2 **Proper Officer**

- 4.2.1 To act as the Proper Officer in terms of section 194 of the Act and to sign all deeds and documents, including stock certificates, bonds and mortgages, which require to be sealed with the common seal of the Council

- 4.2.2 To act as the Proper Officer for the following purposes of the Act:-
- (a) section 68 - recording of disclosures of interest by employees
 - (b) section 50B - access to agenda and connected reports
 - (c) section 50C - inspection of minutes and other documents
 - (d) section 50D - inspection of background papers (in respect of consultation by the appropriate head of service)
 - (e) section 50F - additional rights of access to documents for elected members of local authorities
 - (f) section 145 - Ordnance Survey
 - (g) section 190 - service of legal proceedings, notices, etc.
 - (h) section 191 - claims in sequestrations and liquidations
 - (i) section 192 - service of notices and so on by local authority
 - (j) section 193 - authentication of documents
 - (k) section 197 - inspection and deposit of documents
 - (l) sections 202 and 202B - procedure and so on for and register of byelaws
 - (m) section 204 - evidence of byelaws and
 - (n) Schedule 7, paragraph 2(2) - receipt of summonses to meetings.
- 4.2.3 To act as the Proper Officer for the purposes of section 2 (politically restricted posts) of the Local Government and Housing Act 1989.
- 4.2.4 To act, in the absence of the Chief Executive, as the Proper Officer for the purposes of section 33A of the Act (Declaration of Acceptance of Office of Councillor).
- 4.2.5 To act as the Proper Officer for the purposes of accepting a notice of resignation by any elected member of a committee.
- 4.2.6 To act as Proper Officer for the purposes of section 113 of the Civic Government (Scotland) Act 1982 (evidence of Management Rules).
- 4.2.7 To act, in the absence of the Chief Executive, as Proper Officer for the nomination of a substitute elected member pro tem for any specific meeting of the Tay Road Bridge Joint Board in the event of neither the member nor the substitute member being available.
- 4.2.8 To carry out necessary duties incumbent on the Council in relation to registration of members' interests under section 7 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 and the regulations made thereunder.
- 4.2.9 In the absence of the Chief Executive, to act as the Proper Officer for the purpose of determining which committee or sub-committee should consider any matter in terms of the Council's List of Officer Powers.

4.2.10 In the absence of the Chief Executive, to determine, in the temporary absence of any other Executive Director, who may exercise powers not already delegated further on that Executive Director's behalf.

4.3 **Property Transactions**

4.3.1 In paragraphs 4.3.2 – 4.3.9, the term "property" includes land, buildings and all related rights and obligations. The terms "acquire" and "dispose" shall include dealings with all heritable and leasehold Council property including: less than full disposal value, consent to assignments of leases, exclusivity agreements and appropriating land for another Council function. Where consent to assignment of a lease is for the purpose of the tenant restructuring or changing corporate identity, and on all occasions of lease reletting or renewal whether by tacit relocation or otherwise, consultation shall not normally be required.

Reports on the use of delegated powers shall be reported to the next meeting of the appropriate area committee for information. Transactions which relate to assets held on the Housing Revenue Account and Common Good account must follow the required approval process for those assets.

4.3.2 To acquire property by lease or purchase where:-

- (a) the market value of the property, including in the case of leases the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer, is £750,000 or less; and
- (b) consultation has taken place with the Convener of the Cabinet Committee, the local elected members and the relevant Executive Director responsible for the property.

4.3.3 To acquire property by lease or purchase in cases of urgency where:-

- (a) the market value of the property, including in the case of leases, the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer, is **more** than £750,000; and
- (b) consultation has taken place with the Convener of the Cabinet Committee, the local elected members and the relevant Executive Director responsible for the property.

4.3.4 To dispose of property by sale or on the first occasion of leasing where:-

- (a) the market value of the property, including in the case of leases, the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer, is £750,000 or less; and
- (b) consultation has taken place with the relevant Executive Director responsible for the property. Where property is disposed of by sale, the local elected members must be consulted.

4.3.5 (a) The power of disposal shall specifically include disposal in circumstances where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and/or the Council's Subsidised Leases Policy apply, following consultation with the local elected members where the value of the property, including in the case of leases, the capitalised value of the rent over the term of the lease, or ten years whichever is longer is £750,000 or less; and

- (b) Officers shall periodically report to each area committee on those disposals where the Disposal of Land by Local Authorities (Scotland) Regulations 2010 and/or the Council's Subsidised Leases Policy have been applied, setting out the level of subsidy given and the reasons for this.
- 4.3.6 To dispose of property by sale or lease in cases of urgency where:-
- (a) the market value of the property, including in the case of leases, the capitalised value of the rent over the term of the lease, or over ten years whichever is the longer is **more** than £750,000; and
 - (b) consultation has taken place with the Convener, of the Cabinet Committee, the local elected members and the relevant Executive Director responsible for the property.
- 4.3.7 To accept offers received for the purchase of Council property where:-
- (a) the sale of the property has been agreed by the relevant committee or sub-committee or the Executive Director (Finance and Corporate Services) has delegated powers under this document; and
 - (b) the offer which represents the best consideration which could be reasonably obtained by the Council is to be accepted or paragraph 4.3.4 applies.
- 4.3.8 To determine when leases should be renewed, either by tacit relocation or otherwise, where the capitalised market value of the rent over the term of the lease, or over ten years whichever is the longer, is less than £750,000.
- 4.3.9 To undertake, in conjunction with the Head of Property Services, all other necessary actions relating to the Council's estates function, including property management activities, valuations, rent reviews and relevant negotiations leading to property acquisition or disposal.
- 4.4 **Finance**
- 4.4.1 To determine payments in respect of claims made against the Council under Part 1 of the Land Compensation (Scotland) Act 1973 of up to £5,000.
- 4.4.2 To review annually the Scheme for Members' Allowances.
- 4.4.3 To determine the fee to be charged for issuing property enquiry certificates and to determine any miscellaneous legal fees.
- 4.4.4 To make arrangements for the collection and recovery of all income due to or to be collected by the Council including the Council tax, water charges, rent, rates and (insofar as still applicable) community charge income.
- 4.4.5 To consider and dispose of applications made to the Council on behalf of pupils for free school meals and school clothing grants. This power is to be exercised in consultation with the Executive Director (Education) or their nominated officer.
- 4.4.6 To make arrangements for payments, by whatever means, on behalf of the Council in respect of authorised expenditure.

- 4.4.7 To make the necessary arrangements for duly authorised borrowing and lending in terms of schedule 3 to the Local Government (Scotland) Act 1975.
- 4.4.8 To act as the Proper Officer for the purposes of section 92 of the Act (Transfer of securities on alteration of area, etc.).
- 4.4.9 To act as Registrar of Stocks, Bonds and Mortgages.
- 4.4.10 To make up and maintain the Assessment Roll, to prepare and issue demand notes for the payment of rates and to receive claims for exemption, abatement or remission of rates and to determine applications for discretionary relief, in accordance with Council policy.
- 4.4.11 Without prejudice to section 69 of the Act, to act for the purposes of section 95 of the Act as the Proper Officer responsible for the administration of the financial affairs of the Council in accordance with the arrangements made or to be made by the Council for the proper administration of such affairs.
- 4.4.12 To execute and administer treasury management matters in accordance with the Council's policy and treasury management practices, the CIPFA Treasury Management in Public Service Code of Practice and, if relevant, current professional codes.
- 4.4.13 To ensure that Council assets are adequately insured and to administer claims against the Council.
- 4.4.14 To determine requests for discretionary payments in respect of housing benefit.
- 4.4.15 To sign operating lease documentation.
- 4.4.16 To arrange, through the Fife Council Pension Fund's Investment Managers, for the making of investments in accordance with the policy of the Council.
- 4.4.17 To arrange through the Fife Council Pension Fund's Investment Managers, for the investment of the moveable capital of the Fife Educational Trust in accordance with the Fife Educational Trust Scheme 1958 and, where appropriate, to arrange for the investment of moveable capital in other trusts and common good funds.

4.5 **Delegations Relating to Pensions Administration Collaboration**

- 4.5.1 Please note - the following delegations are intended to elaborate upon, and be compatible with, the delegation to the Executive Director (Finance and Corporate Services) in the List of Officer Powers (paragraph 4.4.16) to “arrange, through the Fife Council Pension Fund’s Investment Managers, for the making of investments in accordance with the policy of the Council.”

Delegation to Executive Director (Finance and Corporate Services) and Head of Finance

1. To carry out all actions required to implement the Memorandum of Understanding with the City of Edinburgh Council (CEC) relating to collaboration on pensions administration and all subsequent iterations of it.
2. To enter into more detailed terms and conditions with CEC and/or its subsidiaries tasked with pension arrangements, being companies part of

the LPF Group; subject to taking all appropriate advice in relation to such matters including that of the Head of Legal and Democratic Services.

3. To implement strategies and policies agreed by the Pensions Committee including the investment strategy of the pension fund and performing any function on behalf of the pensions fund which would reasonably be deemed to be investment business subject to taking all appropriate advice.
4. To implement pension regulations including the application of discretions as required in accordance with policies approved by the Pensions Committee from time to time.
5. To appoint, monitor and review such specialist managers and advisers as are necessary to make sure that the pension fund's assets are managed effectively.

Delegation to Head of Finance

- 4.5.2 To act as the Council's representative on the Joint Investment Strategy Panel which shall govern the collaboration with CEC and others, with all necessary powers to execute that function.

5.0 Executive Director (Education)

- 5.1 In addition to the delegated authority specified in section 2 above, the Executive Director (Education) is authorised to carry out the functions of the Council relating to education, including (but not limited to) those conferred by the legislation set out at Section 3 of the Appendix to this document and, specifically:-
- 5.2 To exercise the functions of the Council under the Education (Additional Support for Learning) (Scotland) Act 2004 in relation to children and young persons with additional support needs.
- 5.3 To appoint persons recommended by an Education Appointment Committee for the posts of headteacher and depute headteacher of a school.
- 5.4 To determine, in the first instance, placing requests under section 28A of the Education (Scotland) Act 1980.
- 5.5 To exercise the Council's powers in relation to irregular attendance of school pupils under sections 36, 37, 38, 39 and 42 of the Education (Scotland) Act 1980; this power to be exercised in conjunction with the powers of the Executive Director (Finance and Corporate Services) to take proceedings in relation to such matters.

6.0 Director of Health and Social Care

- 6.1 In addition to the delegated authority specified in section 2 above, the Director of Health and Social Care and, as appropriate in relation to such matters as relate to their statutory duties, and/or in relation to children and families and criminal justice, the Chief Social Work Officer is authorised to carry out the functions of the Council relating to health and social care, including (but not limited to) those conferred by the legislation set out at Section 4 of the Appendix to this document and, specifically:-
- 6.2.1 To carry out the functions of the Council in terms of the following sections of the Social Work (Scotland) Act 1968:-
- section 12 - general social welfare services of local authorities,
 - section 13 - power of local authority to assist persons in need in disposal of produce of their work,
 - section 14 - home help and laundry facilities,
 - section 27 - supervision and care of persons put on probation or released from prisons or under the community service scheme,
 - section 29 - power of local authority to defray expenses of parents, etc. visiting persons or attending funerals.
- 6.2.2 To carry out the functions of the Council in terms of Section 87 of the Burial and Cremation (Scotland) Act 2016.
- 6.3 To make arrangements, in consultation with the Executive Director (Finance and Corporate Services), for the care of persons who are suffering from grave chronic disease or who, being aged, infirm or physically incapacitated, are living in unsanitary conditions and are unable to devote to themselves - and are not receiving from others - proper care and attention, in terms of section 47 of the National Assistance Act 1948.
- 6.4 To make arrangements for the protection of property of persons admitted to hospitals, etc. in terms of section 48 of the National Assistance Act 1948.
- 6.5 To carry out the functions of the Council under sections 1 and 2 of the Chronically Sick and Disabled Persons Act 1970.
- 6.6 To make arrangements for facilities for seriously disabled persons for sheltered employment and training in terms of the Disabled Persons (Employment) Act 1958.
- 6.7 To make arrangements with respect to the prevention of illness, care and aftercare of persons suffering from mental disorder under the Mental Health (Care and Treatment) (Scotland) Act 2003.
- 6.8 To instruct, in consultation with the Executive Director (Finance and Corporate Services), the provision of aids and the adaptation of property of chronically sick and disabled persons in accordance with the relevant Council policy.

- 6.9 Approval of community social inclusion groups subject to provision having been made for any expenditure in the approved estimates of the Council.
- 6.10 To issue contracts under the National Health Service and Community Care Act 1990 for the provision of residential accommodation subject to the terms of the contracts having been approved in advance by the Executive Director (Finance and Corporate Services).
- 6.11 To carry out the functions of the Chief Social Work Officer and to exercise the powers and duties of the Council in terms of the following provisions of the Adults with Incapacity (Scotland) Act 2000:-
- section 10 - exercise of general functions in relation to guardians, welfare attorneys and persons authorised under intervention orders
- section 12 - safeguarding of property, financial affairs or personal welfare following investigation
- Part 6 various powers and duties in respect of intervention orders and guardianship orders.
- 6.12 The Director of Health and Social Care will also act as the Chief Officer of the Health and Social Care Integration Joint Board for Fife as provided for by section 10 of the Public Bodies (Joint Working) (Scotland) Act 2014.
- 6.13 In consultation with the elected members on the Board of the Health and Social Care Partnership, to make staff appointments at head of service level within the Health and Social Care Partnership.
- 6.14 Nothing in this paragraph 6 shall be taken to empower the Director of Health and Social Care to carry out any functions which are specifically reserved by law to the Chief Social Work Officer, which remains a separate appointment.

7.0 Executive Director (Place)

- 7.1 In addition to the delegated authority specified in section 2 above, the Executive Director (Place) is authorised to determine in relation to all services within the directorate, the following matters:-
- numbers of staff and workforce;
 - provision of vehicles for Council;
 - tendering strategies; and
 - provision of materials, plant and equipment.

7.2 Roads and Transportation Services

- 7.2.1 To carry out the functions of the Council as local roads authority and as traffic authority under the Roads (Scotland) Act 1984, the Road Traffic Regulation Act 1984, the New Roads and Street Works Act 1991, the Transport (Scotland) Act 2005, the Transport (Scotland) Act 2019 and all other relevant legislation, including specifically:-

- (a) The serving of notices, withdrawal of any notices, issue of any licences, giving any consents, the temporary prohibition or restriction of traffic (whether by order or notice) and generally taking any necessary action on behalf of the Council in terms of the Council's functions in relation to roads, road traffic regulation and transport.
- (b) To accept tenders in accordance with the powers delegated by the Council's Standing Orders – Scheme of Tender Procedures.
- (c) To implement the functions of the Transport Act 1985 and Transport (Scotland) Act 2001 and Transport (Scotland) Act 2019, in relation to bus services.
- (d) Without prejudice to the generality of paragraph 2.1.1 of this document, to instruct immediate repairs to engineering works which have become damaged in order to mitigate any loss, damage or injury to property or persons.
- (e) To operate the national scheme for Disabled Persons under the Disabled Persons (Badges for Motor Vehicles) Scotland Regulations 2000.
- (f) To determine applications for street parades and processions and to make orders imposing conditions on the holding of such processions under the Civic Government (Scotland) Act 1982. This power may not be exercised if a competent written objection to the application has been submitted to the Council.
- (g) To exercise the functions of the Council under the Flood Risk Management (Scotland) Act 2009;
 - i. To exercise the functions of the Council under the Coast Protection Act 1949 regarding the carrying out of coast protection work for the protection of land.
 - ii. To exercise the functions of the Council under the Harbours, Docks and Piers Clauses Act 1847 and all supplementary and subsequent legislation.

7.3 Property Services (including Bereavement Service)

- 7.3.1 To accept tenders in accordance with the powers delegated by the Council's Standing Orders - Scheme of Tender Procedures.
- 7.3.2 Without prejudice to the generality of paragraph 2.1.1 of this document, to instruct immediate repairs to buildings over which the Council has control which have become damaged to mitigate any loss, damage or injury to property or persons; where practicable, such repairs must be carried out after consultation with the appropriate Executive Director.
- 7.3.3 To instruct the repair and maintenance of any Council building and to furnish and re-furnish such accommodation subject to provision having been made therefor in the approved budget estimates of the Council and, where appropriate, compliance with the Council's Standing Orders relating to contracts.

- 7.3.4 Where necessary, in the interests of public safety, property management, or for other reasons of expediency, to authorise the demolition of any Council building.
- 7.3.5 To enter into wayleaves of any duration for services and utilities crossing Council land following consultation with relevant services and to enter into leases or agreements relating to heritable property the initial duration of which does not exceed one year and the annual rent is £75,000 or less.
- 7.3.6 To advertise any land or property for sale after consultation and agreement with the relevant Executive Director and the local elected members.
- 7.3.7 To carry out the Council's functions relating to burial and cremation, including the management, maintenance, regulation and control of burial grounds, cemeteries and crematoria, all in accordance with the Burial and Cremation (Scotland) Act 2016.

7.4 **Environment and Building Services**

- 7.4.1 To accept tenders in accordance with the powers delegated by the Council's Standing Orders - Scheme of Tender Procedures.
- 7.4.2 To act as, or arrange for the appointment of, a suitably qualified officer to be the Council's vehicle operator and hold the Council's vehicle operator's licence in terms of the Goods Vehicles (Licensing of Operators) Act 1995.

7.5 **Protective Services**

Building Standards & Public Safety Team

- 7.5.1 In connection with the enforcement of building standards:-
 - (a) to issue any building standards qualifying statement where this is considered appropriate;
 - (b) to serve any notice or certificate relating to works carried out without or in contravention of a building warrant;
 - (c) to require buildings to be brought up to standard;
 - (d) to require such action as it is considered necessary or appropriate to take in connection with defective or dangerous buildings, including the removal of people from them or any adjoining building; and
 - (e) to authorise entry to land under any statutory power available to the Council to enable the Council to discharge their functions under building standards legislation.
- 7.5.2 In cases of urgency, to authorise any action by the Council as Building Standards authority which is considered necessary or appropriate to protect people or property.
- 7.5.3 To determine and to take all action necessary to enable the determination of any application for building warrant and to determine any application for relaxation of the Building Standards Regulations unless the application has attracted relevant

and unresolved representations or objections and to determine whether any representation or objection made in response to such an application is a relevant representation or objection.

- 7.5.4 To approve/refuse grants for the improvement of water quality for private water supplies in terms of the Private Water Supplies (Grants) (Scotland) Regulations 2006.
- 7.5.5 To refuse applications for a repairs grant where the owner's proposals are such that, in terms of the Housing (Scotland) Act 2006.
- 7.5.6 To approve extensions to the date by which authorised works should be completed up to a maximum extension of 18 months.
- 7.5.7 To approve applications for discretionary improvement grants including those for the conversion of buildings into houses.
- 7.5.8 To serve, suspend and/or revoke notices/orders in terms of the Housing (Scotland) Acts 1987 and 2006 insofar as they relate to the closure, demolition, repair, maintenance or improvement of property; in relation to Houses in Multiple Occupation, to exercise such powers under the 2006 Act relating to enforcement as shall be agreed with the Executive Director (Communities).
- 7.5.9 To approve applications for grants in terms of the Housing (Scotland) Act 1987 insofar as the applications relate to financial assistance in respect of:-
 - (a) the improvement of property; and
 - (b) the repair of property.
- 7.5.10 To determine Housing Improvement Orders and revoke Closing Orders in terms of the Housing (Scotland) Act 1987.
- 7.5.11 To approve and issue caravan site licences in terms of the Caravan Sites and Control of Development Act 1960.
- 7.5.12 To determine applications for safety certificates submitted under the Safety of Sports Grounds Act 1975 and to issue, amend, replace and cancel such certificates.

Environmental Health Teams

- 7.5.13 To serve notices and to designate employees of the Council to carry out the functions assigned to employees in terms including (but not limited to) those conferred by the legislation set out at Section 1 of the Appendix to this document.
- 7.5.14 To carry out the functions and to designate employees to carry out the functions assigned to the Council as the local food authority, health and safety authority, pollution control authority, public health authority, and pest control and animal health and welfare authority; which functions include (but are not limited to) those conferred by legislation set out at Section 1 of the Appendix to this document and, specifically:-

- (a) in consultation with the Head of Legal and Democratic Services, serve notices, designate land and recover costs including that of remediation as they relate to contaminated land;
- (b) to carry out the functions of the Council in terms of Parts 1, 2 and 3 and Schedules 1 and 2 of the Civic Government (Scotland) Act 1982 and to serve notices and issue certificates in terms of the relevant legislation;
- (c) to act as Chief Inspector for the purposes of the relevant animal health and welfare legislation, and to appoint as inspectors such employees as are deemed necessary and appropriate;
- (d) to designate a sufficient number of persons under the Public Health etc (Scotland) Act 2008 (Local Authority Competent Person);
- (e) to appoint officers to carry out the functions of Licensing Standards Officers;
- (f) to grant certificates relative to food hygiene;
- (g) to agree transfer of responsibility for enforcement in terms of the Health and Safety (Enforcing Authority) Regulations;
- (h) to appoint inspectors in terms of section 19 of the Health and Safety at Work, etc. Act 1974 for the purposes of the said Act;
- (i) to carry out the functions of the Council under the Offices, Shops and Railway Premises Act 1963;
- (j) to issue improvement and prohibition notices and to inspect, detain and seize suspect food under the Food Safety Act 1990;
- (k) to arrange for burials in terms of section 87 of the Burials (Scotland) Act, 2016;
- (l) to determine applications for approval of the height of chimneys in terms of the Clean Air Act 1993;
- (m) to appoint the Council's Public Analyst, Agricultural Analyst and Deputy Agricultural Analyst;
- (n) to serve notices in terms of Parts II, III and IV of the Environmental Protection Act 1990;
- (o) to serve notices in terms of the Council's management rules relating to recycling centres;
- (p) to enforce the provisions contained within the Smoking, Health and Social Care (Scotland) Act 2005; and
- (q) to control the employment of children in terms of the Council's bye-laws. This power is to be exercised in consultation with the Executive Director (Finance and Corporate Services) and the Executive Director (Education).

Trading Standards Team

- 7.5.15 To carry out the functions and to designate employees to carry out the functions assigned to employees of the Council as the trading standards and local weights and measures authority which functions include (but are not limited to) those conferred by the legislation set out at Section 2 of the Appendix to this document and, specifically:-
- (a) to serve notices on occupiers or owners of premises or land on which disused petrol tanks are situated, requiring them to take such steps as are reasonably necessary to prevent damage from the containers;
 - (b) to provide facilities to Class F2 standard, or other such approved standard; and
 - (c) to exercise the functions of the Council under the Explosives Act 1875 and Explosives Regulations 2014.
- 7.5.16 To carry out the functions and to designate employees to carry out the functions of the Council in relation to the enforcement of the Ozone-Depleting Substances Regulations 2015 as amended by the Fluorinated Greenhouse Gases (Amendment etc) (EU Exit) Regulations 2019.
- 7.5.17 To carry the functions of the Council in relation to the powers conferred on the Council by the Unfair Terms in Consumer Contracts Regulations 1999 and the Consumers Right Act 2015.
- 7.5.18 To accept on behalf of the Council undertakings in terms of the Enterprise Act 2002.
- 7.5.19 To exercise the licensing powers of the Council under the Fireworks Regulations 2004.
- 7.5.20 To authorise any officers of Trading Standards Scotland to operate in Fife under the Consumer Credit Act 1974 and any other relevant legislation.
- 7.5.21 To enforce the provisions relating to (a) noise and (b) the sale of paint to those under 16 years of age contained within the Anti-Social Behaviour, etc. (Scotland) Act 2004.
- 7.5.22 To enforce the provisions contained within the Smoking, Health and Social Care (Scotland) Act 2005.
- 7.5.23 To carry out the functions of the Council in terms of Parts 1, 2 and 3 and Schedules 1 and 2 of the Civic Government (Scotland) Act 1982 and to serve notices and issue certificates in terms of the relevant legislation.

7.6 **Planning Service**

Development Management - Local Developments

Please note: The following paragraph 7.6.1 shall constitute the Council's planning scheme of delegation as required by section.43A of the Act (as defined below).

7.6.1 To determine all applications for planning permission by means of an appointed person which fall within the relevant categories below. In this paragraph:-

"the Act" – means the Town and Country Planning (Scotland) Act 1997 (as amended) ;

"the appointed person" - means any officer appointed by the Council to carry out the actions delegated to them in terms of this document;

"Local development application" - means an application for planning permission or planning permission in principle for a development within the category of local developments, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, as well as all local development applications made under section 42 of the Act and all local development applications for Approval of Matters Specified in Conditions.

"representation" shall mean correspondence received during the relevant publicity period for the application.

In assessing the number of representations received, where multiple representations have been submitted on behalf of a single person, these shall be counted as a single representation.

The appointed person is authorised to:-.

7.6.2 To determine all local development applications whether for approval or refusal with the exception of:-

- (a) Applications attracting six or more representations which are contrary to the officer's recommendation.
- (b) Applications which are significantly contrary to the Development Plan and which are recommended for approval.
- (c) Applications attracting objections from statutory consultees, where the officer's recommendation is for approval.
- (d) Applications which the Council considers should be referred to the relevant planning committee for determination in terms of section 43A(6) of the Town and Country Planning, etc. (Scotland) Act 1997.
- (e) Applications requiring an environmental impact assessment.
- (f) Applications which have associated applications for other forms of consent (e.g. listed building consent) where the appointed person considers it expedient for both applications to be considered by the relevant planning committee.
- (h) Section 42 Applications where the application does not relate to a condition specifically added by a planning committee

7.6.3 The above exceptions shall not prevent applications from being determined which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of detail or information.

Development Management - Major Applications

7.6.4 In this paragraph:

“Major Application” shall mean an application for planning permission or planning permission in principle for a development within the category of major developments as defined in the Hierarchy of Development. This shall include all major applications made under Section 42 of the Act and all applications for Approval of Matters Specified in Conditions in relation to a major development.

“representation” shall mean correspondence received during the relevant publicity period for the application.

In assessing the number of representations received, where multiple representations have been submitted on behalf of a single person, these shall be counted as a single representation.

The appointed person - is authorised to determine the following major applications, whether for approval or refusal:-

- (a) any application for approval of Matters Specified in Conditions relating to a major application for planning permission in principle attracting less than 6 representations which are contrary to the officer’s recommendation;
- (b) any application for approval of Matters Specified in Conditions relating to a major application for planning permission in principle where either there is NO objection from a statutory consultee OR there is such an objection but the officer’s recommendation is for refusal;
- (c) major Section 42 Applications where the application does not relate to a condition specifically added by a planning committee; and
- (d) major applications (including in that context applications for approval of matters specified in the Conditions) which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of details or information, including the conclusion of a legal agreement.

Development Management -Development Applications and related matters

7.6.5 In this paragraph:

“representation” shall mean correspondence received during the relevant publicity period for the application.

In assessing the number of representations received, where multiple representations have been submitted on behalf of a single person, these shall be counted as a single representation.

- 7.6.6 Subject to 7.4.1 and 7.4.2, the **appointed person** is authorised to determine all applications of whatever nature submitted to the Council for determination as planning authority, including (but not limited to) certificates of lawfulness, listed building consent, advertisement consent and conservation area consent as well as consent to undertake work on protected trees; whether for approval or refusal, with the exception of:-
- (a) any application for approval of Matters Specified in Conditions relating to a major application for planning permission in principle attracting 6 or more representations) which are contrary to the officer's recommendation;
 - (b) applications which are submitted by members of staff either directly employed in Planning Services or who regularly provide advice in relation to the assessment of planning applications, elected members and officers of the Council who are senior managers, heads of service, Executive Directors or the Chief Executive of the Council or any persons who have held any of these posts up to twelve months preceding the date of the application; and
 - (c) applications attracting representations from statutory consultees, which are contrary to the officer's recommendation. The above exceptions shall not prevent applications from being determined which are not progressing satisfactorily due to protracted delays by the applicant/agent or failure on their part to provide appropriate levels of detail or information.
- 7.6.7 In consultation with the Convener and Depute Convener of the relevant planning committee, to take any decision or determine any procedural or substantive matter in connection with the consideration or assessment of any planning or other application including such matters as pre-application notification and consultation, referral of local development applications to committee, decisions relating to which committee(s) should determine specific applications, deciding whether or not to hold a Discretionary Hearing and determining the Council's position at any appeal in relation to planning matters.
- 7.6.8 To respond to consultations from an adjoining planning authority or Scottish Government in relation to development proposals being considered by that authority, whether under the provisions of the Planning Acts, The Electricity Act or Marine Licensing Provisions.
- 7.6.9 To promote and, in the absence of objections, confirm orders made to stop up roads or footpaths under sections 207 and 208 of the Act.
- 7.6.10 To determine whether to take enforcement action including issuing fixed penalty notices and the service of any other relevant notices, including:
- Enforcement Notice;
 - Planning Contravention Notice;
 - Breach of Conditions Notice;
 - Discontinuance Notice; and
 - High Hedges Notice, Building Repairs Notice or Urgent Repairs Notice.
- 7.6.11 To refer alleged breaches to the Procurator Fiscal, and to authorise entry to land made under any statutory power available to the Council to enable the Council to discharge any of their functions as planning authority including direct action.

- 7.6.12 To serve any notice in connection with or to secure the removal of advertisements displayed in contravention of any regulations controlling the display of advertisements.
- 7.6.13 In the interests of expediency, to take such action as necessary or appropriate in the interests of, or to preserve the position of the planning authority including the service of any stop notice (including a temporary stop notice) or the making of any statutory order including a Tree Preservation Order.
- 7.6.14 In consultation with the Executive Director (Finance and Corporate Services), to enter into legal agreements ancillary to the approval of local development applications under section 7.2.3.1 or 7.2.3.2; and such other agreements including processing agreements and variation and discharge of other agreements as are nonmaterial to the determination of the relevant application. For the avoidance of doubt, this shall include determining applications for the modification and discharge of agreements made under section.75A of the Town and Country Planning (Scotland) Act 1997.
- 7.6.15 In relation to all mineral consents, to ensure that appropriate terms, section.75 Agreements and bonds are in place and properly recorded, reported, monitored and enforced. In the absence of a formal committee decision taken and recorded to the contrary, the termination terms of bonds should be enforced.
- 7.6.16 To take all action necessary to protect Fife's trees and enhance the environment, including the making of Tree Preservation Orders and giving consent to felling, pruning, lopping and other matters relating to existing orders.
- 7.6.17 To approve or refuse, as appropriate, any application for a notice under the High Hedges (Scotland) Act 2013.
- 7.6.18 To grant, subject to such conditions as the Executive Director (Place) may recommend, construction consents under section 21 of the Roads (Scotland) Act 1984 in all cases where less than six representations are received in respect of applications for said consents, or any representations so received are withdrawn.

Development Planning

- 7.6.19 To discharge the functions of the Council in respect of development planning as set out in the Town and Country Planning (Scotland) Act 1997 (as amended) by the Planning (Scotland) Act 2019).

Climate Change Action

- 7.6.20 To carry out the functions of the Council in respect of the Climate Change (Scotland) Act 2009.
- 7.6.21 On an annual basis, produce and update a Public Bodies Duty Report on compliance with climate change duties.
- 7.6.22 To develop the Fife Sustainable Energy and Climate Action Plan (SECAP).

7.7 Business and Employability Services

- 7.7.1 To determine applications for grant assistance under any scheme approved by the Council which is operated by the Executive Director (Place).
- 7.7.2 To incur expenditure on single items up to £100,000 in respect of maintaining and expanding the Council's Business Property Portfolio.
- 7.7.3 To determine applications for financial assistance to businesses administered by Business Gateway Fife (or its successors) or the Scottish Local Authority Loan Fund (or their successors) in the form of grants, loans, or repayable grants up to the value of £100,000 (or 50% of the cost of the project – whichever is lower); subject to the submission of a report to the relevant scrutiny committee annually, detailing such expenditure.
- 7.7.4 To allocate street names and numbers in terms of section 97 of the Civic Government (Scotland) Act 1982 and in accordance with the Council's names and numbering policy and procedure.
- 7.7.5 To approve the advance reservation of space of participating in trade exhibitions, missions or events within and outwith the UK.

8.0 Executive Director (Communities)

In addition to the delegated authority specified in section 2 above, the Executive Director (Communities) is authorised to carry out the functions of the Council relating to communities, children, families and criminal justice service, including (but not limited to) those conferred by the legislation set out at Section 5 of the Appendix to this document:-

8.1 Housing Services

- 8.1.1 To allocate housing (including the allocation of pitches to travelling persons and the letting of garages) and to make decisions on homeless priority and the allocation of housing to homeless applicants, in accordance with Council policy.
- 8.1.2 To pay statutory compensation to tenants up to a maximum of £5,000 in any case subject to confirmation by the Executive Director (Finance and Corporate Services) that the tenant is entitled to said compensation.
- 8.1.3 To determine, in consultation with the Executive Director (Finance and Corporate Services), requests for service change rebates.
- 8.1.4 To act as the Proper Officer in terms of sections 193 and 194 of the Act for the purposes of granting leases and serving notices in terms of Part 2 of the Housing (Scotland) Act 2001.
- 8.1.5 To raise court action for eviction of tenants on the grounds of nuisance or other breach of tenancy, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services).

- 8.1.6 To raise court action to compel compliance with each tenant's obligation to maintain their garden ground, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services). Such court action to be as follows:-
- (a) specific implement which failing warrant to carry out the works and recover the costs;
 - (b) Variation of Tenancy Agreement to allow the Council to remedy the tenant's failure to maintain the garden ground and recover its reasonable costs; or
 - (c) re-possession of the dwelling house for persistent failure to maintain garden ground amounting to a deterioration of the premises.
- 8.1.7 To raise court action to compel compliance with each owner-occupier's obligation to maintain their garden ground, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services).
- 8.1.8 To take houses out of management following consultation with the relevant area committee Convener, Depute Convener and the local elected members.
- 8.1.9 To take action on behalf of the Council in accordance with the exercise of its powers and functions under Part 7 (Housing: Antisocial Behaviour Notices) and Part 8 (Housing: Registration of Certain Landlords) of the Antisocial Behaviour, etc. (Scotland) Act 2004.
- 8.1.10 To determine applications for licences in respect of houses in multiple occupation in accordance with the terms of the Housing (Scotland) Act 2006, except where there are six or more timeous representations in which case the matter will be considered by the relevant committee; and otherwise to act on the Council's behalf in relation to all delegated decision making and other matters relating to the licensing of houses in multiple occupation, including hearings, variations and enforcement (including rent suspension notices) except where such matters are to be carried out by officers in other directorates with the agreement of the Executive Director (Communities).
- 8.1.11 To agree to the voluntary disposal of individual Council houses and individual parcels of land held on the Housing Revenue Account; this power to be exercised in consultation with the Executive Director (Finance and Corporate Services).
- 8.1.12 To register a notice of potential liability for costs in terms of the Tenements (Scotland) Act 2004, this power to be exercised with the approval of the Executive Director (Finance and Corporate Services).
- 8.1.13 To submit all necessary applications, evidence and reports required by the Property Factors (Scotland) Act 2011 to the Scottish Ministers.
- 8.1.14 To serve notices and to designate employees of the Council to carry out the functions assigned to employees in terms including (but not limited to) those conferred by the legislation set out at section 5 of the Appendix to this document.
- 8.1.15 To seize dogs under section 5(1) of the Dangerous Dogs Act 1991.
- 8.1.16 To take action in terms of the control of dogs powers set out in sections 149, 150 and 151 of the Environmental Protection Act 1990.

- 8.1.17 To serve abatement notices and fixed penalty notices under section 80 of the Environmental Protection Act 1990.
- 8.1.18 To determine applications for licences in respect of short term lets in accordance with the terms of the Civic Government (Scotland) Act 1982, except where there are six or more timeous representations and/or objections in which case the matter will be considered by the relevant committee; and otherwise to act on the Council's behalf in relation to all delegated decision making including other matters relating to the licensing of short term lets, (including the determination of a national event) and variations and enforcement except where such matters are to be carried out by officers in other directorates with the agreement of the Executive Director (Communities).
- 8.1.19 To provide grant support to tenants, this power to be exercised in consultation with the Executive Director (Finance and Corporate Services).
- 8.1.20 To take action to construct and acquire Council housing and repair, maintain and investment in the upkeep of Council housing.
- 8.1.21 To consult with tenants and ensure their participation in the development of housing policy in line with section 53 of the Housing (Scotland) Act 2001.
- 8.1.22 To develop an understanding of housing needs, demands and conditions and develop a plan for housing improvement in line with section 89 of the Housing (Scotland) Act 2001.
- 8.1.23 To respond to the requirements of the Scottish Housing Regulator set within the Housing (Scotland) Act 2010.

8.2 **Communities and Neighbourhoods**

- 8.2.1 To grant or refuse applications for an order to exempt land from access in terms of section 11 of the Land Reform (Scotland) Act 2003 where the order is:-
- for the purpose of allowing a charge to be levied for an event;
 - required as there are no other reasonable alternatives available;
 - for the minimum period possible, and in any event, five days or less.
- 8.2.2 To consider requests for free lets or lets at a reduced charge of community facilities. The Executive Director shall include reference to the exercise of powers in this connection in their annual performance monitoring report to committee.

- 8.2.3 In exceptional circumstances, for reasons of damage or health and safety, disposal of museum objects, acting on Fife Cultural Trust's professional curatorial advice. Any actions undertaken using these delegated powers would be reported to elected members through a briefing paper.
- 8.2.4 To have responsibility for overall budgetary control for the Council's common good funds, including decisions relating to repair and maintenance of common good assets, and approval of grant applications up to and including £5000.

8.3 Customer and Online Services

- 8.3.1 To carry out the functions of Registrar of Births, Marriages and Deaths.
- 8.3.2 To administer, in accordance with agreed policy, payments etc., under the Scottish Welfare Fund.
- 8.3.3 To implement the Council's responsibilities as category 1 provider under the Civil Contingencies Act 2004.
- 8.3.4 To carry out the Council's obligations under freedom of information, environmental information and data protection legislation, as well as matters arising to the Scottish Public Service Ombudsman.
- 8.3.5 To administer, in accordance with agreed policy, payments etc. for any hardship mitigations.

8.4 Policy & Communications

- 8.4.1 To take action on behalf of the Council in accordance with section 4 of the Local Government Act 1986, as amended by section 27 of the Local Government Act 1988 concerning local authority communication addressed to the public at large or a section of the public.
- 8.4.2 Except insofar as reserved to a committee for decision in terms of the List of Committee Powers, to carry out the Council's functions in relation to community planning and community empowerment.
- 8.4.3 Exercise oversight of advertising and sponsorship activities.

8.5 Chief Social Work Officer and Head of Service (Children, Families and Justice)

- 8.5.1 To carry out the functions of the Council under section 11 of the Matrimonial Proceedings (Children) Act 1958.
- 8.5.2 To administer the Panel or Panels appointed under the Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001, including arrangements for training of members of said Panel or Panels.
- 8.5.3 To carry out the functions of the Council under the Adoption (Scotland) Act 1978 and Regulations made thereunder including the operation of the Adoption Allowance Scheme.

- 8.5.4 To operate the scheme for the payment of allowances under section 50 of the Children Act 1975.
- 8.5.5 To carry out the functions of the Council under the Foster Children (Scotland) Act 1984 and the Private Fostering (Scotland) Regulations 1985.
- 8.5.6 To carry out the functions of the Council in relation to the provision of services for children in terms of the Children (Scotland) Act 1995 and regulations made thereunder.
- 8.5.7 To consider and dispose of applications made to the Council for licences in respect of children taking part in public performances.
- 8.5.8 Nothing in this paragraph 8 shall be taken to empower the Executive Director (Communities) to carry out any functions which are specifically reserved by law to the Chief Social Work Officer, which remains a separate appointment.

9.0 Other Delegations

In addition to the delegations specified above, the following matters are delegated to officers who are not Executive Directors:-

9.1 Head of Legal and Democratic Services

- 9.1.1 To act as the Monitoring Officer for the purpose of section 5 of the Local Government and Housing Act 1989.
- 9.1.2 To act as Clerk to Fife Licensing Board in terms of the Licensing (Scotland) Act 2005.
- 9.1.3 To act as the Electoral Registration Officer for the purposes of section 8(3) of the Representation of the People Act 1983; and to appoint such a deputy as may be required to carry out the relevant functions.
- 9.1.4 With the exception of deeds falling within the scope of paragraph 4.2.1 above and property transactions falling within the scope of paragraph 4.3, to execute contracts and any other legal agreements on behalf of the Council using whatever means they consider appropriate.
- 9.1.5 To receive nominations from religious organisations for religious representation on the relevant statutory committees.

10. Contracts, Authentication of Notices and Execution of Deeds

- 10.1 With respect to proposed contracts for the execution of works, the provision of services, or for the supply of goods or materials, the following provisions shall apply relating to securing competition for such contracts and for regulating the manner in which tenders are invited.

- 10.2 With respect to proposed contracts, the Executive Director (Finance and Corporate Services) shall ensure, in consultation with the Monitoring Officer, that, where applicable, the provisions of all relevant legislation and any orders, regulations or directions made below shall be applied with respect to the securing of competition for such tenders.
- 10.3 Every notice, order, demand, requisition or other such document or its withdrawal by the Council required or authorised by any enactment, statutory order or bye-law shall, except in so far as such enactment or statutory order specifically otherwise provides, be signed by the Proper Officer.
- 10.4 (1) The Common Seal of the Council shall be kept by the Proper Officer who shall be responsible for its safe custody.
- (2) The Common Seal of the Council shall be fixed to any deed or document which requires to be sealed in order to give effect to a decision of the Council.
- (3) All deeds to which the Common Seal of the Council is required to be affixed shall also be signed by the Proper Officer.
- (4) A list of all deeds so executed shall be kept with the Proper Officer and shall be available for inspection by any member of the Council at any time.

11.0 Scheme of Tender Procedures

- 11.1 The Head of Legal and Democratic Services, in consultation with the Executive Director (Finance and Corporate Services), will prepare and submit to full Council a Scheme of Administration on Tender Procedures and such procedures, once approved and adopted by Fife Council, will be observed by all members and officers of the Council. Any revisions or alterations to the Tender Procedures will require to be approved by Fife Council. The procedures shall make provision for all relevant matters including, but not limited to:-
- (i) the invitation of tenders;
 - (ii) the circumstances and financial limits within which competitive tenders are not required;
 - (iii) the selection of lists of contractors;
 - (iv) the situation in which direct services or direct labour organisations are entitled to be the sole contractor;
 - (v) the preparation of contract documents;
 - (vi) the receipt of tenders;
 - (vii) the opening of tenders, including their safe custody;
 - (viii) the circumstances and extent to which the Proper Officer will be entitled to amend the Scheme of Tender Procedures without first obtaining Council approval for the proposed changes;
 - (ix) the formal acceptance of tenders;
 - (x) the appointment of sub-contractors;
 - (xi) payments to contractors (including the monitoring of such payments);
 - (xii) alterations to specification and reporting of increases;
 - (xiii) contract monitoring and reporting;
 - (xiv) the determination of contracts;

- (xv) the application of tender procedures to offers to dispose of land, buildings, surplus land and equipment;
- (xvi) the circumstances in which a single supplier may be used;
- (xvii) provision for regular review.

Appendix – List of relevant legislation

Section 1 – Environmental Health

Abandonment of Animals Act 1960
Air Quality (Scotland) Regulations 2000 (as amended)Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1968
Animal Boarding Establishments Act 1963
Animal Health and Welfare Act 1984
Animal Health & Welfare (Scotland) Act 2006
Animal Health Act 1981
The Animal Welfare (Licensing of Activities Involving Animals) (Scotland) Regulations 2021
Antisocial Behaviour etc (Scotland) Act 2004

Breeding & Sale of Dogs (Welfare) Act 1999
Burial and Cremation (Scotland) Act 2016

Caravan Sites & Control of Development Act 1960
Civic Government (Scotland) Act 1982 (and regulations and/or orders made thereunder)
Clean Air Act 1993
Control of Dogs Order 1992
Control of Dogs (Scotland) Act 2010
Control of Pollution Act 1974
Contaminated Land (Scotland) Regulations 2000
Coronavirus Act 2020

Dangerous Dogs Acts 1989 and 1991
Dangerous Wild Animals Act 1976
Deer (Scotland) Act 1996
Dog Fouling (Scotland) Act 2003
Dogs Act 1906

Environment Act 1995
Environmental Protection Act 1990 (and regulations and/or orders made thereunder)
European Union (Withdrawal) Act 2018 (and regulations and/or orders made thereunder)

Fire Safety and Safety of Places of Sports Act 1987
Food and Environment Protection Act 1985 (S.19) (and regulations and/or orders made thereunder)
Food and Feed Safety and Hygiene (EU Exit) (Scotland) (Amendment) Regulations 2019
Food and Feed (EU Exit) (Scotland) (Amendment) Regulations 2020
Food Composition, Labelling and Standards (EU Exit) (Scotland) (Amendment) Regulations 2019
Food Hygiene (Scotland) Regulations 2006 (as amended) and all associated tertiary legislation
Food Information, Labelling and Standards (EU Exit) (Scotland) Regulations 2019
Fishery Products (Official Control Charges) (EU Exit) (Scotland) (Amendment) Regulations 2019
Food Safety Act 1990 (and regulations and/or orders made thereunder)
Food Information (Scotland) Regulations 2014 as amended

Food Information (Scotland) Amendment Regulations 2021
Food (Scotland) Act 2015 (and regulations and/or orders made there under)

Gambling Act 2005
General Food Regulations 2004
Guard Dogs Act 1975

Health and Safety at Work etc. Act 1974 (and regulations and/or orders made thereunder)
Housing (Scotland) Act 1987/88/2001/2006/2014

Licensing (Scotland) Act 2005
The Licensing of Animal Dealers (Young Cats & Young Dogs) (Scotland) Regulations 2009
Local Government Act 1972

National Assistance Act 1948
Noise and Statutory Nuisances Act 1993
Nutrition (EU Exit) (Scotland) (Amendment) Regulations 2019

Official Feed and Food Controls (Scotland) Regulations 2009 as amended
Official Feed and Food Controls (Miscellaneous Amendments) (Scotland) Regulations 2019 and 2020

Pet Animals Act 1951
Performing Animals (Regulation) Act 1925
Prevention of Damage by Pests Act 1949 as amended
Protection of Animals (Scotland) Act 1912 and 1954
Public Health (Ships) (Scotland) Regulations 1971
Public Health (Ships) (Scotland) Amendment Regulations 2007
Public Health etc. (Scotland) Act 2008

Refuse Disposal (Amenity) Act 1978
Regulation (EU) 2016/429
Regulation (EU) 2017/625 and Associated Tertiary Legislation
Riding Establishments Act 1964 and 1970
Roads (Scotland) Act 1984

Sewerage (Scotland) Act 1968
Smoking, Health and Social Care (Scotland) Act 2005

The Beef and Veal Labelling (Scotland) Regulations 2010
The Bovines & Bovine Products (Trade) Regulations 1999
The Coronavirus (Scotland) Act 2020 (and regulations and/or orders made thereunder)
The Coronavirus (Scotland) (No.2) Act 2020 (and regulations and/or orders made there under)
The Environmental Protection (Single-use Plastic Products) (Scotland) Regulations 2021
The Food Safety (Sampling and Qualifications) (Scotland) Regulations 2013
The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023
The Novel Foods (Scotland) Regulations 2017
The Private Water Supplies (Scotland) Regulations 2006
The Products of Animal Origin (Third Country Imports) (Scotland) Regulations 2007
The Spirit Drinks Regulations 2008 as amended

The Trade in Animals and Related Products (Scotland) Regulations 2012 (as amended)
The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017
The Working Time Regulations 1998 (as amended)
Theatres Act 1968
Tobacco and Primary Medical Services Act 2010

Water (Scotland) Act 1980

Zoo Licensing Act 1981

Section 2 – Trading Standards

Agriculture Act 1970
Antisocial Behaviour (Scotland) Act 2004, Secs 122 and 123

Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013
Biofuel Labelling Regulations 2004
Business Protection from Misleading Marketing Regulations 2008

Children & Young Persons (Protection from Tobacco) Act 1991
Civic Government (Scotland) Act 1982, Sections 24 to 27 and 94
Clean Air Act 1993
Companies Act 2006
Company and Limited Liability Partnership Businesses (Names and Trading Coronavirus Act 2020
Disclosures) Regulations 2015
Consumer Credit Act 1974 and 2006
Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
Consumer Estate Agents and Redress Act 2007
Consumer Protection Act 1987
Consumer Protection from Unfair Trading Regulations 2008
Consumer Protection (Amendment etc) (EU Exit) Regulations 2018
Consumer Rights Act 2015
Consumer Rights (Payment Surcharges) Regulations 2012
Construction Products Regulations 2013
Copyright Designs & Patents Act 1988
Cosmetic Products Enforcement Regulations 2013
Customs and Excise Management Act 1979

Dangerous Substances and Explosive Atmosphere Regulations 2002
Development of Tourism Act 1969

EC Fertilisers (Scotland) Regulations 2006
Ecodesign for Energy Related Products 2010
Education Reform Act 1988
Electrical Equipment (Safety) Regulations 1994, 2006 & 2016
Electromagnetic Compatibility Regulations 2006
Electronic Commerce (EC Directive) Regulations 2002
Energy Act 1976

Energy Conservation Act 2001
Energy Information Regulations 2011
Energy Performance of Buildings (Scotland) Regulations 2008
Environment Act 1995
Environmental Protection Act 1990
Environmental Protection (Microbeads) (Scotland) Regulations 2018
Enterprise Act 2002 (as amended)
Estate Agents Act 1979
Estate Agents (Provision of Information) Regulations 1991

Explosives Act 1875 & 1923
Explosives Regulations 2014

Fair Trading Act 1973
Fireworks Act 2003
Fireworks (Scotland) Amendment Regulations 2021
Fireworks Regulations (Scotland) 2004
Fireworks & Pyrotechnics Articles (Scotland) Act 2022
Food and Environmental Protection Act 1985
Food Imitations (Safety) Regulations 1989
Furniture and Furnishings (Fire)(safety)Regulations 1988

General Product Safety Regulations 2005

Hallmarking Act 1973
Health (Tobacco, Nicotine etc and Care)(Scotland) Act 2016 Chapter 1&2
Health and Safety at Work etc. Act 1974
Health Protection (Coronavirus)(Restrictions)(Scotland) Regulations 2020
Health Protection (Coronavirus, Restrictions)(Directions by Local Authorities)(Scotland) Regulations 2020
Housing (Scotland) Act 2006
Intellectual Property Act 2014

Manufacture and Storage of Explosives Regulations 2005
Measuring Instruments Regulations 2016
Medicines Act 1968
Motorcycle Noise Act 1987

Nightwear (Safety) Regulations 1985
Non-automatic Weighing Instruments Regulations 2016

Olympic Symbol etc (Protection) Act 1995

Packaged Travel and Linked Travel Arrangements Regulations 2018
Personal Protective Equipment (Enforcement) Regulations 2018
Petroleum (Consolidation) Regulations 2014
Petroleum (Regulations) Acts 1928 and 1936
Plugs & Sockets etc. (Safety) Regulations 1994
Poisons Act 1972
Pressure Equipment (Safety) Regulations 2016
Prices Acts 1974-75
Price Marking Order 2004

Price Indications (Bureau de Change) (No. 2) Regulations 1992
Product Safety and Metrology Etc (Amendment Etc) (EU Exit) Regulations 2019
Psychoactive Substances Act 2016
Pyrotechnic Articles (Safety) Regulations 2015

Radio Equipment Regulations 2017
REACH Enforcement Regulations 2008
Recreational Crafts Regulations 2017
Road Traffic Act 1988
Registered Designs Act 1949

Sale of Tobacco (Display of Warning Statements) (Scotland) Regulations 2011
Sale of Tobacco (Prescribed Documents) (Scotland) Regulations 2013
Sale of Tobacco (Register of Tobacco Retailers) (Scotland) Amendment Regulations 2017
Sale of Tobacco (Register of Tobacco Retailers) Regulations 2010
Sale of Tobacco (Registration of Moveable Structures and Fixed Penalty Notices) (Scotland) Regulations 2011
Sale of Tobacco and Nicotine Vapour Products by Persons Under 18 (Scotland) Regulations 2017
Simple Pressure Vessels (Safety) Regulations 1991 & 2016
Single Use Carrier Bags Charge (Scotland) Regulations 2014
Supply of Machinery (Safety) Regulations 2008
Standardised Packaging of Tobacco Products Regulations 2015

Textile Products (Labelling and Fibre Composition) Regulations 2012
Tobacco Advertising and Promotion Act 2002
Tobacco and Primary Medical Services (Scotland) Act 2010
Tobacco and Related Products Regulations 2016 as amended
Tobacco for Oral Use (Safety) Regulations 1992
Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002
Toys (Safety) Regulations 2011
Trade Descriptions Act 1968
Trade Marks Act 1994
Timeshare, Holiday Products, Resale and Exchange Regulations 2010
Timeshare, Holiday Products, Resale and Exchange Regulations 2010

Unsolicited Goods and Services Act 1971

Video Recordings Act 1984 (as amended by the Video Recordings Act 2010) and 1993

Weights and Measures Act 1976 and 1985 and all Regulations and Orders made thereunder
Weights and Measures (Packaged Goods) Regulations 2006

Section 3 – Children’s Social Work Services

Part IV of the Children and Young Persons (Scotland) Act 1937
Children and Young People (Scotland) Act 2014
The Matrimonial Proceedings (Children) Act 1958
The Children Act 1975

The Adoption (Scotland) Act 1978
The Adoption and Children (Scotland) Act 2007
The Foster Children (Scotland) Act 1984
Social Care (Self-directed Support) (Scotland) Act 2013
Scheme of Governance| 135
Part 2B - List of Officer Powers
The Children (Scotland) Act 1995
The Children's Hearings (Scotland) Act 2011
The Criminal Procedure (Scotland) Act 1995
Secure Accommodation (Scotland) Regulations 2013

Section 4 – Integration Joint Board and Health and Social Care Partnership

National Assistance Acts
Disabled Persons (Employment) Act 1958
Social Work (Scotland) Act 1968
Chronically Sick and Disabled Persons Act 1970
Disabled Persons (Services, Consultation and Representation) Act 1986
National Health Service and Community Care Act 1990
Criminal Procedure (Scotland) Act 1995
Adults with Incapacity (Scotland) Act 2000
Housing (Scotland) Act 2001
Curators ad litem and Reporting Officers (Panels) (Scotland) Regulations 2001
Community Care and Health (Scotland) Act 2002
Homelessness etc. (Scotland) Act 2003
Mental Health (Care and Treatment) (Scotland) Act 2003
Adult Support and Protection (Scotland) Act 2007
Public Services Reform (Scotland) Act 2010
Social Care (Self-directed Support) (Scotland) Act 2013

Section 5 Communities

Antisocial Behaviour etc. (Scotland) Act 2004
Control of Dogs (Scotland) Act 2010
Dog Fouling (Scotland) Act 2003
Environmental Protection Act 1990
Refuse Disposal (Amenity) Act 1978
Microchipping of Dogs (Scotland) Regulations 2016

16 May 2024

Agenda Item No. 9

Governance Arrangements – Financial Regulations

Report by: Head of Finance

Wards Affected: All

Purpose

To present a reviewed and revised set of Financial Regulations for consideration and approval by the Council.

Recommendation(s)

It is recommended that the Council:

- (1) approve the revised Financial Regulations as set out in the Appendix to the report, to come into effect on Friday 17 May 2024 (subject to any changes required following consideration at today's meeting)

Resource Implications

There are no resource implications arising from this report.

Legal & Risk Implications

The Council is obliged, in the terms of local government legislation, to ensure that there are arrangements for the proper administration of the Council's financial affairs.

Impact Assessment

A formal impact assessment is not required as there are no equalities issues which apply to financial regulations.

Consultation

As the main changes to Financial Regulations are to clarify and reflect the current organisational structure, new systems being used and updated procedures, consultation has taken place with officers across various Services.

1.0 Background

- 1.1 The Council's governance structure comprises a number of documents including Financial Regulations. These documents are kept under review and consequential changes have been made on occasion. Any substantive amendments must be approved at the meeting of the Council and following a more recent detailed review the revised set of Financial Regulations are now presented for approval.

2.0 Issues and Options

- 2.1 Fife Council is required under statute to make arrangements for proper administration of the Council's financial affairs. The Financial Regulations provide the framework and set out the corporate parameters for the financial management of the Council.
- 2.2 The Financial Regulations should be applied and interpreted in a manner which takes account of the obligations contained within other regulatory documents which form part of the Council's Governance arrangements.
- 2.3 The Financial Regulations are augmented by a series of guidance notes, procedural documents and processes which are in place to ensure the regulations are complied with on a day-to-day basis.
- 2.4 It has been some time since an in-depth review of the Financial Regulations was undertaken. Therefore, there has been a number of changes.
- 2.5 The Financial Regulations have been updated to reflect the following.
- Revised Committee Structures following Local Government Elections in 2022
 - Implementation of new financial systems and associated processes
 - Revised processes in respect of Financial Management, Budget Setting, Capital Planning and Monitoring of Expenditure
 - Changes to refer to updated regulations, for example, CIPFA Treasury Management Code of Practice and Prudential Code
 - Reflect increased use of online payments and transactions, and reduced use of cheques and cash. Cheques and cash are still used, therefore regulations are still applicable
 - Revised legislation
 - Terminology that has changed has been updated where relevant
- 2.6 Revised Financial Regulations are available at Appendix 1.

3.0 Conclusions

- 3.1 A full review of the Financial Regulations, as set out in Appendix 1, has been undertaken and changes made to reflect updated arrangements.
- 3.2 Once approved the Financial Regulations will be effective from Friday 17 May 2024.

List of Appendices

1. Fife Council Financial Regulations 2024

Background Papers

No background papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act, 1973:-

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Fife Council

Financial Regulations

2024

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1. OVERVIEW

1.1 Scope and Observance

- 1.1.1 Fife Council is required under statute to make arrangements for proper administration of the Council's financial affairs. These Financial Regulations provide the framework and set out the corporate parameters for the financial management of the Council. These Regulations shall be known as the "Fife Council Financial Regulations 2024".
- 1.1.2 In these Regulations, unless the context otherwise requires, the following expressions shall have the meaning assigned to them, that is to say:
- "Council" means Fife Council;
 - "Committee" means all the committees of the Council, including equivalent or subsidiary committees, boards, forums, etc.;
 - "the 1973 Act" means the Local Government (Scotland) Act 1973, and any subsequent Regulations and Instruments pertaining thereto;
 - "the 2014 regulations" means the Local Authority Accounts (Scotland) Regulations 2014; and
 - "the 2003 Act" means the Local Government in Scotland Act 2003, and any subsequent Regulations and Instruments pertaining thereto.
- 1.1.3 These Financial Regulations are made by the Council in terms of Section 95 of the 1973 Act, which requires every local authority to make arrangements for the proper administration of its financial affairs and to ensure that the Proper Officer of the authority has responsibility for the administration of those affairs.
- 1.1.4 For the purposes of the 1973 Act and the 2014 Regulations, the Proper Officer is the Executive Director, Finance and Corporate Services of the Council.
- 1.1.5 The Financial Regulations will be applied and interpreted in a manner which takes account of the obligations contained within other regulatory documents which form part of the Council's Governance arrangements. These include;
- **Code of Corporate Governance**
 - **Standing Orders**
 - **List of Committee Powers**
 - **List of Officer Powers**
 - **Contract Standing Orders (Scheme of Tender Procedures)**
 - **Codes of Conduct for Councillors and Employees**
- 1.1.6 The Council, its Councillors and employees shall observe the Financial Regulations and supporting guidance.
- 1.1.7 Any Councillor or employee acting within the terms of a Joint Committee or Partnership, such as the Health and Social Care Partnership, Company, Trust, Arm's Length External Organisation or other external body, should refer to the governance arrangements relevant to that organisation, in addition to these Financial Regulations. It should be noted that any such arrangements are, in all respects, subservient to these Financial Regulations when in the performance of Council duties.

- 1.1.8 Where there is any doubt about what the correct procedure is or if the Regulations are themselves constraining the achievement of legitimate Council goals, the matter should be raised with the Executive Director of Finance and Corporate Services or appropriate Finance and Corporate Services staff. Any variations from the requirements of these Financial Regulations need to be agreed with the Executive Director of Finance and Corporate Services in writing and in advance.
- 1.1.9 Any contravention of or potential non-compliance with these Financial Regulations must be reported immediately to the Executive Director of Finance and Corporate Services, who may discuss the matter with the Chief Executive and any other Executive Director as appropriate, to determine any action to be taken.
- 1.1.10 The Financial Regulations will be reviewed as necessary and at least once per Council term. The outcome of any such review will be reported to the Executive Director of Finance and Corporate Services who will report any changes, other than minor procedural ones to Fife Council for approval.

1.2 Roles and Responsibilities

Executive Director of Finance and Corporate Services

- 1.2.1 The Executive Director of Finance and Corporate Services is the Chief Financial Officer of the Council and shall be the Proper Officer of the Council in terms of Section 95 of the 1973 Act, Section 35 of the 2003 Act and the appropriate provisions of The Prudential Code for Capital Finance in Local Authorities, and, accordingly, shall be responsible for the administration of the financial affairs of the Council.
- 1.2.2 The Executive Director of Finance and Corporate Services shall be responsible for issuing guidance for safe and efficient arrangements for the receipt of monies payable to, and for the issue of monies payable by, the Council. They shall make the arrangements for keeping the accounts of the Council in terms of Section 96 of the 1973 Act.
- 1.2.3 The 2014 Regulations require that the Executive Director of Finance and Corporate Services, as Proper Officer, is responsible for the preparation of the authority's Annual Accounts in accordance with proper practices as required by legislation and as set out in the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom (the Accounting Code).

In preparing the Annual Accounts, the Executive Director of Finance and Corporate Services will have:

- selected suitable accounting policies and then applied them consistently;
- made judgements and estimates that were reasonable and prudent;
- complied with legislation; and
- complied with the local authority Accounting Code (in so far as it is compatible with legislation).

The Executive Director of Finance and Corporate Services will also have:

- kept adequate accounting records which are up to date; and
- taken reasonable steps for the prevention and detection of fraud and other irregularities.

- 1.2.4 Where, in these Financial Regulations, procedures, systems, documents, guidance, etc. require to be provided or approved by the Executive Director of Finance and Corporate Services, alterations can only be made with their approval, unless delegated through the **Council's list of Officer Powers** for Finance and Corporate Services. The Executive Director of Finance and Corporate Services may discharge their duties by delegating certain responsibilities to officers in line with the Council's list of Officer Powers (see para 1.2.13).
- 1.2.5 The Executive Director of Finance and Corporate Services shall be consulted by Executive Directors on all reports to Committee which have financial implications. The Executive Director of Finance and Corporate Services must be satisfied that the financial implications resulting from decisions being recommended are adequately and fully explained within each report to allow for transparent decision making.
- 1.2.6 If the Executive Director of Finance and Corporate Services considers that the financial implications are not adequately and fully explained, they may decide to remove the report from the agenda. The Executive Director of Finance and Corporate Services will instruct an individual Executive Director to submit revised reports to them prior to their resubmission for inclusion on an agenda.
- 1.2.7 In the event of the Executive Director of Finance and Corporate Services reporting to Committee on matters of financial implication to individual Services, other than of a strategic nature, they shall consult affected Executive Directors as necessary.

Executive Directors

- 1.2.8 Management is responsible for internal control and Executive Directors are required to complete and agree to a corporate governance self-assessment checklist to this effect. Each Service Management, having undertaken an assessment of the risks involved and/or having been advised of areas of risk by internal audit, external audit, or another inspection body, is responsible for putting appropriate internal controls in place. If proper internal controls are not in place, management must accept responsibility for the increased risk of fraud and error. Assurance Statements must also include details of improvement actions to be taken.
- 1.2.9 In order to demonstrate compliance with these principles, Executive Directors must ensure that their systems and processes are:
- monitored for their efficiency, effectiveness and economy of operation;
 - subject to review on a continuous basis to ensure that they are current; and
 - supported by formally issued comprehensive and up to date documented procedures.
- 1.2.10 Executive Directors shall consult the Executive Director of Finance and Corporate Services on development projects affecting any systems so that appropriate guidance may be given on systems affecting the financial operations of the Council.

- 1.2.11 Executive Directors will be responsible for ensuring that reports submitted to Committees containing proposals which have financial implications are reviewed by the Executive Director of Finance and Corporate Services prior to such reports being submitted.
- 1.2.12 Executive Directors shall be responsible for ensuring that the Financial Regulations are complied with in respect of matters falling within their jurisdiction.

Delegation

- 1.2.13 As stated in the ***Council's List of Officer Powers***, where an Executive Director has delegated authority, decisions should be further delegated to as close to the point of service delivery as is appropriate in the circumstances. Each Executive Director must prepare a List of Officer Powers for their Directorate which are incorporated into the Council's list of Officer Powers and detail those decisions which have been delegated to officers within these Directorates. Actions which relate to areas of professional specialisms must be delegated to appropriate officers. Where matters are delegated, the more senior officer remains responsible for ensuring that the authority is being used appropriately.

Personal Responsibilities

- 1.2.14 All Councillors and employees of the Council are responsible for ensuring that they use the equipment, materials and resources entrusted to them in a responsible and lawful manner. They should familiarise themselves with the Council's requirements under these Regulations and other similar policies; for example, the policy on the personal use of computer equipment.
- 1.2.15 If anyone is in any doubt as to their obligations, they should seek advice from their line manager. Any unresolved questions of interpretation should be referred to the Service Manager, Audit and Risk Management.
- 1.2.16 All Councillors and employees of the Council should strive to achieve best value for money and avoid legal challenge to the Council. These responsibilities similarly apply when Councillors or employees are representing the Council on external bodies and joint ventures.
- 1.2.17 In the course of their duties Councillors and employees will see financial and other materials of a confidential nature. There is a general responsibility that all such matters are not disclosed except to authorised personnel.
- 1.2.18 Councillors and employees acting within the terms of outside bodies, whether companies, trusts or other associations, owe duties and responsibilities to those bodies which are separate and distinct from their duties owed to the Council. On occasions, it is likely that their duties owed to the outside body and to the Council will conflict. Councillors should be aware of and consult an advice note published by the Standards Commission for Scotland, known as "**Advice for Councillors on Arms-Length Organisations**". In respect of officers, the matter is covered by Section 7 of the ***Monitoring and Evaluation Framework (Officers supporting ALEOs)***.

- 1.2.19 All employees must report to their line manager any illegality, impropriety, breach of procedure or serious deficiency in the provision of service. Employees are able to do this without fear of recrimination providing they act in good faith via the **Council's Whistleblowing Policy** (included in the **Employee Code of Conduct**).

Internal Audit

- 1.2.20 The Internal Audit Service is a statutory assurance function. The 2014 Regulations require all Scottish Local Authorities to operate a professional and objective internal auditing service, which must be delivered in accordance with recognised standards.
- 1.2.21 The Executive Director of Finance and Corporate Services shall arrange for the provision of a continuous internal audit function, overseen by a suitably qualified and experienced individual (Service Manager, Audit and Risk Management).
- 1.2.22 The Service Manager, Audit and Risk Management is responsible for managing the Internal Audit Service in conformance with the Public Sector Internal Audit Standards (PSIAS), including compilation of a risk-based audit plan and the provision of an Internal Audit Annual Report to Elected Members and Senior Officers, through the Standards, Audit and Risk Committee. The Internal Audit Annual Report includes the Service Manager, Audit and Risk Management's opinion on the overall adequacy and effectiveness of the organisation's governance, risk management and control framework as well as a summary of the key activities from which that opinion is derived.
- 1.2.23 The Internal Audit Service is organisationally independent. The Service Manager, Audit and Risk Management has direct and unrestricted access to senior management, including the Chief Executive and Executive Director of Finance and Corporate Services, and the Chair of the Standards, Audit and Risk Committee.
- 1.2.24 The Service Manager, Audit and Risk Management, shall, with or without previous notice:
- have authority to enter any Council establishment;
 - have access to all Council files, correspondence, documents and records including computer records;
 - require and receive explanations as necessary concerning any matter under examination; and
 - require any employee of the Council to produce cash, stores or any other Council property under their control.
- 1.2.25 The terms of reference and key aspects of the operation of the above arrangements will be set out in the **Council's Internal Audit Charter**, which will be approved by Standards, Audit and Risk Committee and reviewed once in the life of each Council or as otherwise required by the Service Manager, Audit and Risk Management and the Standards, Audit and Risk Committee.

External Audit

- 1.2.26 The 1973 Act requires the annual accounts of every local authority to be audited. The audit is carried out independently of the Council and is arranged through the Accounts Commission for Scotland as part of their role in checking that public money is spent properly, efficiently and effectively.

- 1.2.27 The Council's External Auditors shall, with or without previous notice:
- have authority to enter any Council establishment;
 - have access to all Council files, correspondence, documents and records including computer records;
 - require and receive explanations as necessary concerning any matter under examination; and
 - require any employee of the Council to produce cash, stores or any other Council property under their control.
- 1.2.28 The senior member of the External Audit team has the right of free and confidential access to the Chair of the Standards, Audit and Risk Committee, in order to raise such concern as they may have.

2. FINANCIAL PLANNING

2.1 Community Planning

- 2.1.1 The 2003 Act placed a duty on local authorities to initiate and facilitate community planning. The Community Empowerment (Scotland) Act 2015 created a statutory basis for Community Planning Partnerships, imposing duties on them to involve community bodies in the delivery of local outcomes and to produce "locality plans" for particularly disadvantaged areas.
- 2.1.2 Fife Council, in conjunction with local partners, produces a **ten-year local outcomes improvement plan**, and this is expressed in financial terms in the Council's published Financial Plans, covering both the annual Revenue Budget and ten-year Capital Investment Plan.
- 2.1.3 The Capital Investment Plan comprises the Council's portfolio of projects which require Capital funding. All Capital Programmes and Projects must follow, as a minimum, the **Council's Change and Improvement Guidance**, as must Corporate Improvement programmes and projects. Programmes and projects are defined as temporary initiatives to deliver assets or change capabilities. They are different from operational day to day work which delivers 'business as usual'.

2.2 Capital Expenditure - Planning

- 2.2.1 In line with the Prudential Code for Capital Finance in Local Authorities, the Executive Director of Finance and Corporate Services will be responsible for the preparation of a Capital Strategy as well as the preparation and monitoring a number of prudential indicators, including external borrowing limits, to ensure the affordability, prudence and sustainability of the Capital Investment Plan. Separate indicators are required for Housing Revenue Account (HRA) and the General Fund capital investment.
- 2.2.2 The Executive Director of Finance and Corporate Services is supported in all aspects of planning for capital investment by the Council's Investment Strategy Group, chaired by the Head of Finance. The group has a remit and documented roles and responsibilities of the various stakeholders. The remit and responsibilities are kept under review on a regular basis.

- 2.2.3 The Council maintains a ten-year Capital Investment Plan which is reviewed at a frequency agreed by the Cabinet Committee (currently biennial) and the following procedures will apply to the preparation of the Plan:
- a) General Fund Capital Investment Plan – The Council’s Investment Strategy Group will co-ordinate the estimates of capital expenditure for each of the Council’s Policy Priorities for the planning period, in conjunction with Executive Directors; and
 - b) Housing HRA Capital Investment Plan – The Head of Housing and the Head of Finance Services will prepare the plan in consultation with the Executive Director of Finance and Corporate Services and will submit this to the appropriate committee.
 - c) When a and b above have been prepared and agreed with the Executive Director of Finance and Corporate Services, they shall be submitted to the Cabinet Committee, with a view to being submitted to Full Council for approval, after which it will be known as the Approved Capital Investment Plan.
 - d) As a minimum, the Capital Strategy will be reviewed in conjunction with the Capital Investment Plan.
- 2.2.4 From time to time the Executive Director of Finance and Corporate Services will issue a **Capital Policy** which includes guidance on what constitutes capital expenditure and de minimis levels where appropriate. The determination of capital expenditure will be at the sole discretion of the Executive Director of Finance and Corporate Services in accordance with proper accounting practice and professional accounting regulations.
- 2.2.5 In the preparation of the proposed capital plans it is the responsibility of the Executive Directors, in conjunction with their Finance Business Partner teams, to assess the tax implications of the identified options including the preferred option.
- 2.2.6 Executive Directors will be required to identify the full revenue consequences of the projects being proposed for funding when preparing proposed Capital Plans. In addition, they will be required to demonstrate where the funding for the revenue consequences will be met from. Should additional revenue resources be required, the appropriate Executive Director in conjunction with the Executive Director of Finance and Corporate Services will submit a report to the Cabinet Committee to seek approval for the project and the additional revenue budget.
- 2.2.7 Enhanced governance arrangements should be applied in line with the agreed policy, **Governance for Major Capital Projects**, which includes preparation of business cases, enhanced reporting and consideration of lessons learned.

2.3 Revenue Expenditure - Planning

- 2.3.1 In consultation with the other Executive Directors, the Executive Director of Finance and Corporate Services will be responsible for preparing a 3 year revenue budget which takes account of all known future cost implications.
- 2.3.2 Executive Directors shall prepare estimates, in conjunction with their Finance Business Partners in order that the budget for the Council can be agreed. The Executive Director of Finance and Corporate Services shall issue guidance on information required for budget meetings (e.g. scrutiny groups, Council Executive Team) that the Executive Directors have responsibility for preparing.

- 2.3.3 The revenue budget planning shall be driven by the Service Change Planning process in order that resources are directed to priority areas. The financial plan shall form the budget that is approved by Fife Council and shall be referred to as the Approved Revenue Budget by the Council, with the first year being fully approved and the subsequent two years remaining as indicative for planning purposes.
- 2.3.4 The approval of the Revenue Budget by the Council gives Executive Directors the authority to incur appropriate expenditure up to the limit of the approved budget.
- 2.3.5 Executive Directors shall review charges on an annual basis in line with the Medium Term Financial Strategy and any subsequent policies in relation to charging.
- 2.3.6 The Revenue Budget may be implemented by Executive Directors subject to any other requirements contained within these Financial Regulations, any other regulations, requirements or controls approved by the Council, or other legislative requirements being met.

3. FINANCIAL MANAGEMENT

3.1 Monitoring of Capital Expenditure

- 3.1.1 In consultation with the other Executive Directors, the Executive Director of Finance and Corporate Services will be responsible for ensuring that there is an effective system of monitoring of expenditure on capital projects, in relation to the Approved Capital Investment Plan. The Cabinet Committee will determine the reporting content, timescale, frequency and receiving committee(s) required for monitoring statements and the Executive Director Finance, and Corporate Services and each Executive Director will be responsible for ensuring compliance with this. These reports will contain explanations where the budget is forecast to be either over or underspent by £500,000 for any item approved in the Capital Investment Plan.
- 3.1.2 Any matter having a material effect on the Council's finances should be discussed and agreed with the Executive Director of Finance and Corporate Services before any financial commitment is incurred, and before reporting details to Committee using the processes detailed in 3.1.3 and 3.1.4.
- 3.1.3 Any proposal to include a new project, or to change the financial provision for an existing project, within the Approved Capital Investment Plan, must be approved by the appropriate Committee following receipt of a report from the relevant Executive Director. The project will be deemed to have approval to proceed provided the requirements set out in section 2.2 have been met.

- 3.1.4 Through the Investment Strategy Group, officers can manage the Capital Investment Plan to ensure projects are delivered within the overall budgets set for the Council's Policy Priorities. This will include advancing projects from future years of the Plan to utilise slippage, or to agree transfers between Council Priorities to advance a high priority project. Such transfers will be reversed in future years to maintain the balance of the plan over the Policy Priorities. These movements in the Capital Investment Plan will require to be managed and agreed by the Investment Strategy Group and reported by the Executive Director of Finance and Corporate Services to the Cabinet Committee for approval.
- 3.1.5 Capital receipts for the General Fund are corporately managed and Services cannot retain these to fund additional capital expenditure. Capital Receipts in relation to HRA shall be applied against the housing stock or set aside to repay HRA debt. The percentage of set aside in relation to right to buy receipts will be determined annually by the Executive Director of Finance and Corporate Services and Head of Housing Services, within the context of the Standard Delivery Plan.
- 3.1.6 The Executive Director of Finance and Corporate Services will be responsible for reporting any breaches of the authorised limit on external borrowing to the Council as soon as practicable, along with reasons and explanations for the breach and in line with the Council's agreed **Treasury Management Strategy**.

3.2 Monitoring of Revenue Expenditure

- 3.2.1 Approval of the Revenue Budget by the Council gives Executive Directors the authority to incur expenditure in line with the Heads of Expenditure shown in the published Financial Plans detailing the budget for each Service that the Council expects to be delivered. Expenditure cannot be incurred where there is no provision within the Revenue Budget.
- 3.2.2 The primary responsibility for detailed monitoring and control of Service budgets lies with the relevant Executive Director. The Executive Director of Finance and Corporate Services has a responsibility to ensure that detailed monitoring by Executive Directors is carried out and that relevant financial information is provided in a format and within a suitable timescale to allow such monitoring.
- 3.2.3 In order to assist in this matter, the Executive Director of Finance and Corporate Services will ensure that an appropriate framework for budgetary management and control is in place, and that regular monitoring statements are produced for monitoring purposes.
- 3.2.4 Maintenance of appropriate costing systems is essential for the regular monitoring of performance and allocation of costs in the financial ledger. Reconciliation of any costing systems not linked to the financial ledger system will be carried out by Services on a 4 weekly or monthly basis (dependent on the system).
- 3.2.5 The Cabinet Committee will determine the reporting content, timescale, frequency and receiving Committee(s) required for monitoring statements and the Executive Director of Finance and Corporate Services and each Executive Director will be responsible for ensuring compliance with this.

- 3.2.6 These reports will contain explanations where the budget is forecast to be either over or underspent by £500,000. If the budget is forecast to be overspent proposals shall be outlined as to how the Executive Director plans to recover the position.
- 3.2.7 As early as possible in the succeeding financial year, the Executive Director of Finance and Corporate Services will submit to Cabinet Committee, a report setting out the likely out-turn revenue income and expenditure for the previous financial year compared with the budget, together with an explanation of major variations. The report will include recommendations in respect of application or otherwise of any budget carry forward arrangements depending on the overall financial position of the Council.
- 3.2.8 The Executive Director of Finance and Corporate Services issues **Budget Transfer Guidance** which details the framework for the transfer of budgets within and/or between Service Revenue Budgets including between the responsibilities of different Executive Directors, to provide them with flexibility to change budgets within authorised levels, in order to better deliver Council services.
- 3.2.9 The Cabinet Committee may approve separate regulations for transfers of budget in special circumstances, (e.g. Devolved School Management), and allocate additional resources to Directorates. Executive Directors have authority to transfer resources between Services And budget heads as detailed in the guidance referred to in section 3.2.8.
- 3.2.10 Expenditure which is essential to meet any immediate needs created by a sudden emergency, or which is referable to Section 84 of the 1973 Act, may be incurred subject to this being reported forthwith to the Chief Executive or Executive Director and as soon as possible thereafter to the Executive Director of Finance and Corporate Services and to the Cabinet Committee.

3.3 Accounting Procedures and Records

- 3.3.1 The Executive Director of Finance and Corporate Services, as Proper Officer, is statutorily responsible for all financial matters in which the Council is involved. As such, the Executive Director of Finance and Corporate Services will ensure that:
- all expenditure is a proper charge;
 - all income due to the Council is billed and collected;
 - all assets are protected and accounted for;
 - all liabilities are accounted for; and
 - proper financial reports are prepared.
 - preparation of the authority's Annual Accounts is in accordance with proper practices as required by legislation and as set out in the CIPFA/LASAAC Code of Practice on Local Authority Accounting in the United Kingdom (the Accounting Code)
 - completed accounts are approved by the Standards, Audit and Risk Committee and forwarded to the Controller of Audit no later than the 31 August the same year.
- 3.3.2 The Executive Director of Finance and Corporate Services will ensure that the Council's financial records are properly maintained and prepared in accordance with the relevant legislation and appropriate Codes of Practice.

- 3.3.3 The following will be carried out according to procedures and guidance issued by the Executive Director of Finance and Corporate Services:
- the determination of the format of financial records;
 - preparation of the statutory Annual Accounts; and
 - production of the Council's financial information in Service Change Plans
- 3.3.4 The following principles shall be observed in the allocation of accounting duties.
- the duties of providing information regarding the sums due to or from the Council and of calculating, checking and recording these sums, will be separated as completely as possible from the duty of collecting or disbursing them;
 - officers charged with the duty of examining and directing the accounts of cash transactions will not themselves be engaged in any of these transactions; and
 - all checking and authorisation undertaken by officers should be evidenced by initials or signature, or other procedure agreed with the Executive Director of Finance and Corporate Services
- 3.3.5 All claims, returns or written submissions relating to grants and financial statistics will be submitted to the Finance and Corporate Service Directorate and must be signed by an authorised signatory within the Service. Any exception to this must be agreed by the Executive Director of Finance and Corporate Services.
- 3.3.6 Financial records, including documentation relative to contracts for work done, services and supplies, will not be disposed of other than in accordance with arrangements approved by the Executive Director of Finance and Corporate Services.

3.4 Pension Fund and Trust Funds

- 3.4.1 Supervision of the Investments of the Pension Fund, Common Good Funds and Other Trust Funds will be by the Pensions committee and Common Good and Trust Fund Investment sub-committees respectively.
- 3.4.2 The Executive Director of Finance and Corporate Services will submit to the Pensions Committee proposals for the administration and investment arrangements of the Fund.
- 3.4.3 The Executive Director of Finance and Corporate Services will submit to the Common Good and Trust Fund Investment sub-committee proposals for the administration and investment arrangements of these funds.
- 3.4.4 In the context of the approved administration and investment arrangements, the Executive Director of Finance and Corporate Services will ensure the preparation of investment strategy and performance reports and their submission to the Pensions Committee.
- 3.4.5 Within the context of the approved administration and investment arrangements:
- the Executive Director of Finance and Corporate Services will have the authority to decide upon specific purchases and sales of stocks, shares or any other investments;

- such authority shall only be exercised by the Executive Director of Finance and Corporate Services following the taking of appropriate specialist advice where required by statute;
 - such advice shall be obtained from whatever source considered appropriate by the Executive Director of Finance and Corporate Services, but shall include investment advisers appointed at that time by the Pensions Committee; and
 - any decision taken by the Executive Director of Finance and Corporate Services under this regulation shall be reported to the following meeting of the Pensions Committee.
- 3.4.6 Common Good and Other Trust Funds shall be managed by, or under the supervision of, the Executive Director of Finance and Corporate Services subject to any statutory requirements and, wherever possible, be in the name of the Council.
- 3.4.7 Officers acting as trustees by virtue of their official position shall deposit all securities etc. relating to the Trust with the Executive Director of Finance and Corporate Services unless the deed otherwise provides.

3.5 Treasury Management

- 3.5.1 The Council defines its Treasury Management activities as the management of the Council's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with these risks.
- 3.5.2 The Council adopts CIPFA's "Code for Treasury Management in Local Authorities".
- 3.5.3 The Council will create and maintain, as cornerstones of effective treasury management
- A **Treasury Management Strategy Statement** stating policies, objectives and the approach to risk management of treasury management activities shall be adopted by the Council and thereafter its implementation and monitoring shall be delegated to the Cabinet Committee.
 - Suitable Treasury Management practices setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how these activities will be managed and controlled.
 - Investment management practices for investments that are not for treasury management purposes.
- 3.5.4 All money in the Council's custody is aggregated for treasury management purposes. The control of these monies, including decisions relating to new borrowing, is delegated to the Executive Director of Finance and Corporate Services and documented in the **Treasury Management Manual**.
- 3.5.5 The signatories to any receipt in respect of any loan arranged will be those nominated by the Council in respect of the signing of cheques. Mortgage deeds in the name of the Council will be signed and sealed in accordance with Section 194 of the 1973 Act and the **Council's Standing Orders**.

- 3.5.6 Where an asset is proposed to be acquired by leasing, determination of the leasing agreement shall be the responsibility of the Executive Director of Finance and Corporate Services, having due consideration to the business case and financial viability of the leasing agreement.

3.6 Bad Debts

- 3.6.1 Once all methods of debt recovery in relation to outstanding debts have been exhausted, the Executive Director of Finance and Corporate Services, is empowered to write off any such sums as bad debts.
- 3.6.2 Write-offs for individual debtors in excess of £50,000 will be reported by the Executive Director of Finance and Corporate Services to the Cabinet Committee along with an annual summary of bad debts, including housing rents.
- 3.6.3 The Executive Director of Finance and Corporate Services or the Head of Legal and Democratic Services, as appropriate, shall lodge claims with the appropriate person (including liquidators, administrators, administrative receivers, supervisors of compositions or schemes, trustees in sequestration and trustees under a trust deed for creditors) in relation to sums due to the Council.

3.7 Trading Operations

- 3.7.1 The Executive Director of Finance and Corporate Services is responsible for ensuring that the financial provisions of the 2003 Act and of any other relevant legislation, shall be properly applied in relation to any Trading Operations of the Council, which are defined as those services provided in a competitive environment and on a basis other than straightforward recharge of cost, where proper accounting practice requires trading accounts to be maintained.
- 3.7.2 Executive Directors responsible for any Trading Operations of the Council shall ensure that they comply with any guidance issued by the Executive Director of Finance and Corporate Services in relation to any matter under Regulation 3.7.1.
- 3.7.3 The Executive Director of Finance and Corporate Services shall undertake an annual evaluation of the Trading Operations of the Council to ascertain if they meet the criteria of Significant Trading Operations as defined by the 2003 Act.
- 3.7.4 The Executive Director of Finance and Corporate Services shall provide a report to Cabinet Committee if there are changes to the Council's Significant Trading Operations following the annual evaluation.
- 3.7.5 Executive Directors responsible for any Significant Trading Operations of the Council shall, in addition to Regulation 3.7.2, ensure that such Operations meet the requirements of 2003 Act.
- 3.7.6 Competitive tenders do not need to be invited if any Executive Director concerned deems it desirable to negotiate with a Trading Operation of the Council, within the limits imposed by any relevant legislation, provided Best Value can be demonstrated.

4. INTERNAL FINANCIAL ARRANGEMENTS

4.1 Banking Arrangements and Cheques

- 4.1.1 The Executive Director of Finance and Corporate Services, or such officers authorised by them, shall be responsible for The Executive Director of Finance and Corporate Services, or such officers authorised by them, shall be responsible for
- Issuing guidance in connection with the arrangements for opening and closing of all Bank Accounts in the name of the Council.
 - Sharing relevant guidance and procedures issued by the Council's bankers relating to all transactions, including electronic, of all Bank Accounts in the name of the Council and operations of third-party bank accounts by Council staff as part of their duties.
 - Ordering, issuing and safe keeping of cheques, purchasing cards, bank statements, pay-in books and other materials, including electronic, relating to individual bank accounts.
 - Signing all cheques on the Council's bank accounts.
 - Authorising all payments from or transfers between the Council's bank accounts.
 - Giving any indemnity required by the Council's bank where the services of a security firm are used for the deposit or receipt of cash at the bank.
- 4.1.2 Executive Directors, in consultation with the Executive Director of Finance and Corporate Services, must provide, and monitor the application of, procedures consistent with these Financial Regulations, for the opening, operation and closure of third party bank accounts operated by Council staff as part of their Council duties (e.g. School Funds, Client's Money). For all such accounts, cheques shall be signed by two delegated signatories unless by prior agreement of the Executive Director of Finance and Corporate Services.
- 4.1.3 Bank reconciliations must be performed for each bank account held in the name of the Council or operated by Council staff as part of their duties. These must include agreeing the balance, as shown on a statement provided by the bank, to the accounting records, taking account of uncleared transactions. Reconciliations must be performed on a timely basis for each month end and checked and signed off by a member of staff with no day to day responsibility for the operation of the account, and authorised to do so by the Executive Director of Finance and Corporate Services.

4.2 Income Collection

- 4.2.1 The Executive Director of Finance and Corporate Services is responsible for ensuring that there are adequate arrangements for collecting all income due to the Council.
- 4.2.2 Executive Directors must ensure that they have proper arrangements in place for the collection of income for every location and for all services provided. They must ensure all income collected is accounted for correctly and that there are proper arrangements in place for banking all monies as soon as possible.

- 4.2.3 All Council income received by Council staff must be paid to the Council's bank account without delay. Where receipts of large sums are expected, the Investment Team within Finance Service should be informed in advance.
- 4.2.4 Executive Directors must provide and monitor the application of procedures, consistent with these Financial Regulations, for the collection, handling and banking of non-Council funds which may be controlled by their staff such as School Funds or Client's Money. All such money must be banked without delay.
- 4.2.5 Executive Directors must ensure that all contracts, leases and other agreements entered into which involve the receipt of income for the Council, including Developers' Contributions, are notified immediately to the Investment Team within the Finance Service.
- 4.2.6 Where appropriate, sums due will be entered into the Council's corporate invoicing system.
- 4.2.7 Wherever possible, goods or services supplied by the Council must be paid for by the point of delivery. Any exceptions must be subject to an official invoice raised via the Council's corporate invoicing system administered by the Head of Revenue and Commercial Services. Executive Directors are responsible for ensuring that invoices are issued as soon as possible and no later than 10 working days after the goods or services have been supplied.
- 4.2.8 Personal cheques must not be cashed out of money held on behalf of the Council or third parties.
- Any transfer of cash between Council's Officers shall be evidenced in the records of the Services concerned by the signature of both Officers.
- 4.2.9 The Executive Director of Finance and Corporate Services shall be responsible for ensuring that all receipts, books, tickets and other documentation (including electronic documents) relating to the collection of income are suitable for their purpose and adequately controlled.
- 4.2.10 Where the nature of income requires a receipt (e.g. cash), this must only be given on a receipt that has been approved by the Executive Director of Finance and Corporate Services. Where the design and ordering of receipts, documents, etc., is delegated to another Service, its Executive Director is responsible for ensuring that all such receipts and documents have approval for design from the Executive Director of Finance and Corporate Services.
- 4.2.11 Executive Directors are responsible for ensuring that proper records of the issue and stocks of receipts and documents are maintained.

All income collected on behalf of the Council must be notified at the earliest opportunity or within agreed timescales to the Executive Director of Finance and Corporate Services, using the appropriate methods and documentation such as the submission of e-returns.

4.3 Advances – Imprest Holdings, Petty Cash and Floats

- 4.3.1 The Executive Director of Finance and Corporate Services shall provide such advances to Officers as they consider necessary for the purposes of covering petty cash and other expenses or as a change float for cash collection duties.
- 4.3.2 Nominated Officers will be personally responsible for such advances, including the keeping of cash, stamps, vouchers, etc. in a safe and lockfast place.
- 4.3.3 Staff, on leaving the service of the Council, or otherwise ceasing to maintain responsibility for a petty cash Imprest, or float shall account to the Executive Director of Finance and Corporate Services for the total amount advanced.
- 4.3.4 Executive Directors are required to produce an annual certificate for each Petty Cash Imprest or Float certifying they still hold the total sum advanced.
- 4.3.5 The Executive Director of Finance and Corporate Services will provide guidance relating to the conditions relating to such advances, including the form and manner in which the accounts will be kept and that their use shall be limited to minor and other items of expenditure of a type or value which, in the normal course of business, would not be expected to be ordered through the Council's procurement and purchase order arrangements. Further information about the use of Purchase Cards is available in the ***Purchasing Card Guidance***.

4.4 Orders for Supplies, Services and Works

- 4.4.1 Each Executive Director shall be responsible for all orders from their Service and shall fully observe all guidance issued by the Executive Director of Finance and Corporate Services and by the Head of Revenue and Commercial Services.
- 4.4.2 All tenders, contracts and orders must adhere to Council payment terms of invoice in arrears of delivery, with payment within 30 days from receipt of invoice, and inform suppliers that payment will be by B.A.C.S. These conditions should be referenced on all orders along with the address to which invoices should be sent. Any exceptions to the Council's payment terms or standard payment methods must be approved, in advance, by the Executive Director of Finance and Corporate Services.
- 4.4.3 However, if the supplier has joined the Council Supplier Cash Flow Service, they will receive early settlement from a third party supplier. In turn, the third party will receive payment within 30 days from receipt of invoice. If the suppliers do not send the goods/service then the liability lies with the third party who will either ask for a refund or apply a credit.
- 4.4.4 All contracts entered into by the Council for goods and services must comply with the ***Council's Contract Standing Orders (Scheme of Tender Procedures)***.
- 4.4.5 All orders issued via the Oracle Cloud purchasing system shall be raised only by Officers authorised to do so by their Executive Director and shall be raised in accordance with the ***Council's List of Officer Powers***.

- 4.4.6 Where authority is delegated for the approval of orders, the designated officer roles who hold this delegated authority should be documented in each Directorate's Scheme of Delegation. Only in exceptional circumstances, where previously agreed, any orders not given by electronic transmission must be confirmed by an official order in accordance with the **Ordering goods & services procedures** issued by the Head of Revenue and Commercial Services. This must be done not later than the next working day.
- 4.4.7 Except as provided elsewhere in these Regulations, no orders shall be issued for goods and services where the cost is not allowed for within an approved budget and Executive Directors shall be responsible for ensuring that costs are allocated to appropriate financial codes.

4.5 Supplier Invoices, Delivery and Payment of Accounts

- 4.5.1 All accounts and invoices shall be paid in accordance with the Financial Regulations unless they are covered by the **Non-Purchase Order (NOPO) Exceptions List** drawn up and issued by the Executive Director of Finance and Corporate Services. Any variation from the **NOPO Exceptions List** shall be agreed with the Executive Director of Finance and Corporate Services.
- 4.5.2 The Council's contract terms and conditions require payment in arrears of delivery. Invoices for payment must relate to goods, services or works which have been satisfactorily delivered and be submitted in arrears.
- 4.5.3 The Council's standard payment terms are 30 days from receipt of an appropriate invoice, with payment by B.A.C.S. Staff should determine whether the goods/services have been received and retain evidence of satisfactory delivery. Any exceptions to this must be approved, in advance, by the Executive Director of Finance and Corporate Services.
- 4.5.4 Council employees must not create any form of payment documentation on behalf of suppliers, unless for suppliers approved to use the Oracle Cloud Supplier Portal for self-billing.
- 4.5.5 Council employees must not add or remove any item from an invoice or any other supplier documentation used for making payments. This includes processing invoices and credits together as one document.
- 4.5.6 Proper provision must be made for the examination, verification, authorisation and expenditure allocation of invoices and claims. As part of the approval for payment process, they will provide for the matching of invoices with orders and records of supplies, services and works received to the extent that the following checks will be carried out and evidenced:
- the goods, services or work to which the account relates have been received or carried out. They have been examined and approved and deemed to be satisfactory as regards quality and quantity and conform to the official order;
 - the price, extensions, calculations, trade discounts, other allowance credits and VAT, where appropriate, are correct;
 - the expenditure has been properly incurred and is within the budget available and the invoice has been correctly coded;
 - the invoice has not previously been passed for payment;
 - the invoice is the proper liability of the Council;

- if VAT applies, the invoice is a proper VAT document and the VAT element is properly chargeable, shown at the correct rate and allocated to the appropriate financial code; and
 - the order record has been annotated to show appropriate details of the supplies, services and works received and the payment made, in a manner that will prevent any duplicate payment.
- 4.5.7 Executive Directors must ensure that procedures are in place to update inventories and/or stock records on receipt. The relevant delivery documentation must be retained as per the Council's Records Retention Schedule for internal control purposes.
- 4.5.8 Payment in advance is a business risk and should be avoided wherever possible. However, there are exceptions including IT maintenance contracts and Off-Site Storage where advance payment can facilitate cost savings. Any payments of this nature must be approved in advance by Executive Director of Finance and Corporate Services, following consultation with appropriate Finance Business Partner for the relevant Directorate and be made in adherence to the procedures contained in these Financial Regulations. B.A.C.S. is the Council's preferred method of payment and any other method must be authorised in advance by the Executive Director of Finance and Corporate Services.
- 4.5.9 Executive Directors must issue internal procedures which comply with the Oracle Cloud requirements covering ordering, receipting and matching processes. When NOPOs are processed within a Service, this should also be done in accordance with the **Oracle Cloud NOPO guidance**, including adherence to the **NOPO Exceptions List**. Authorisation limits for NOPOs should mirror those of other transactions.
- 4.5.10 Invoices and claims must be verified and processed in the Oracle Cloud system or relevant feeder system timeously. To avoid penalty under **Late Payment legislation**, invoices must be in the Accounts Payable system in time to be paid in accordance with the Council's payment terms. All relevant discounts should be taken. Therefore, Executive Directors must ensure that all Service receipting and matching processes are completed timeously to allow for invoices to be processed within 21 calendar days (or earlier if enhanced payment terms have been agreed) of receipt unless held back due to dispute. Compliance with the legislation will be the responsibility of Executive Directors.
- 4.5.11 The Executive Director of Finance and Corporate Services may have any transaction entered into the Oracle Cloud System examined. They will be entitled to any information and/or explanation required.
- 4.5.12 The Executive Director of Finance and Corporate Services shall pay all invoices and claims without undue delay. In scheduling the payment of invoices etc., the Executive Director of Finance and Corporate Services must take account of contract terms and conditions, and the treasury management needs of the Council.

- 4.5.13 Under **self-service processes in Oracle Cloud**, the ordering of supplies, services and works, and receipting them, can be carried out by the same individual. The process of certifying or processing the relative purchases and invoices for payment should be performed by different individuals, with the exception of 2-way matched invoices, where the invoice approval is carried out by the requestor. This action effectively replaces the receipt action normally carried out by the requestor. Excluding the exception, where this is not practicable, the Executive Director of Finance and Corporate Services shall be informed, in writing, and their agreement sought to such arrangements.
- 4.5.14 In consultation with appropriate Executive Directors, the Executive Director of Finance and Corporate Services shall be responsible for ensuring that adequate arrangements are made to notify the Executive Director of Finance and Corporate Service of;
- any cessation or change of user affecting rents or payments in connection with contracts, leases and any other agreements.
 - any acquisitions, disposals or vacancies in properties that may affect the rates or other financial charges on those properties.
- 4.5.15 Executive Directors shall be responsible for ensuring that adequate arrangements are made to monitor contracts, property leases, operating leases, equipment hires and any other periodic payment agreements and ensure that periods of notice are actioned by notification to the supplier and the Executive Director of Finance and Corporate Services so as to minimise payments for non or changed use.

4.6 Purchasing Cards

- 4.6.1 The Executive Director of Finance and Corporate Services, or such Officers authorised by them, shall be responsible for signing applications for issuing of purchasing cards, duly applied for by Services.
- 4.6.2 Executive Directors will be responsible for ensuring that proper procedures are prepared and maintained, and records are kept, to support the use of purchasing cards including payment of accounts, in line with **Purchasing Card Guidance** provided by the Executive Director of Finance and Corporate Services.
- 4.6.3 Purchases made using purchasing cards should take due account of any procurement contracts that the Council may have in place and are considered an exception to the standard procurement processes.

4.7 Payment of Contracts for Building, Construction or Engineering Work

- 4.7.1 All works contracts entered into by the Council, or by a Committee, or by any Officers exercising delegated powers, shall comply with the **Council's Standing Orders** in relation to contracts made by the Council under Section 81 or the 1973 Act, as set out in the **Council's Contract Standing Orders (Scheme of Tender Procedures)**. These Regulations deal with the financial arrangements necessary to carry through the various contracts. All tenders, contracts and orders must adhere to Council standard payment terms of up to 30 days from receipt of invoice and suppliers must be informed that payment will be by B.A.C.S.

- 4.7.2 Where work included in a tender is covered by the Construction Industry Scheme, the tender documentation must stipulate the requirement for tenderers to have Scheme registration, as appropriate.
- 4.7.3 Payments to contractors on account of contracts shall be made by the Executive Director of Finance and Corporate Services on an invoice derived from a certificate issued by the Executive Director or their nominated Officer who must be an authorised signatory previously notified to and agreed by the Executive Director of Finance and Corporate Services. The certificate shall show the total value of the contract, the value of work executed, retention money, amount paid to date and amount now authorised for payment.
- 4.7.4 If, on any occasion, the cumulative value of extras or variations exceeds, or is expected to exceed, the lower of £250,000 or 20% of the tendered contract price, the Executive Director shall report this, together with explanations, to the appropriate Committee at the earliest opportunity. Thereafter, until completion of the contract, a report on contract progress, including details of further extras and variations, will be submitted to each subsequent meeting of the Committee.
- 4.7.5 Through the budget monitoring process, the Executive Director of Finance and Corporate Services may make alternative arrangements with Executive Directors for the reporting of variations on lower value contracts. In any case, contract variations must go through routine procurement governance, i.e. contract variation report as appropriate.
- 4.7.6 Where invoices are forwarded to the Executive Director of Finance and Corporate Services for amounts which exceed the appropriate capital estimates approved by the Council, and such excess is solely caused by a contractual liability, the Executive Director of Finance and Corporate Services shall have authority to meet such invoices. In consultation with the Executive Director of Finance and Corporate Services, the Executive Director responsible will report on the excess to the appropriate Committee.
- 4.7.4 In consultation with the Head of Legal and Democratic Services and appropriate Executive Directors, the Executive Director of Finance and Corporate Services will approve the arrangements for obtaining performance bonds/guarantees from contractors with regard to performance of contracts. The financial threshold for requesting performance bonds/guarantees has been set at £1.000m.

4.8 Tax Management, Including VAT

- 4.8.1 The Executive Director of Finance and Corporate Services will be responsible for the taxation procedures of the Council, ensuring where possible, that tax liabilities and obligations are properly reported and accounted for, avoiding any possible losses.
- 4.8.2 In particular, the Executive Director of Finance and Corporate Services will be responsible for:
- ensuring that transactions comply with relevant statutory requirements and authorities;
 - minimising the Council's tax liability; and
 - maximising the Council's tax flow.

- 4.8.3 In carrying out such responsibilities the Executive Director of Finance and Corporate Services will:
- define and allocate duties in relation to taxation and tax management;
 - ensure that financial control systems operate effectively, produce the necessary information and minimise the risk of error;
 - ensure appropriate guidance is provided to employees involved in processing tax-related transactions (which includes the **Council's VAT Manual**);
 - ensure assistance is provided for any investigations undertaken by any Government Agency, and that justification for assessments made resulting from investigations are properly reviewed;
 - implement arrangements to monitor the execution of these responsibilities;
 - report any significant changes to the Council's tax affairs to the Cabinet Committee, and
 - have unrestricted access to all documentation to assess the correct tax liability of the Council or that may affect the Council through any connected entity.
- 4.8.4 The Executive Director of Finance and Corporate Services may appoint external tax specialists.
- 4.8.5 The Executive Director of Finance and Corporate Services will be responsible for the dissemination of information on tax matters as appropriate. Executive Directors will be responsible for implementing guidelines introduced by the Executive Director of Finance and Corporate Services regarding any particular aspect of taxation.
- 4.8.6 Executive Directors are responsible for ensuring that they have properly recorded transactions in accordance with the guidance provided by the Executive Director of Finance and Corporate Services.
- 4.8.7 Where any transactions of a new, unusual or complex nature are being considered, Executive Directors must consult with the Executive Director of Finance and Corporate Services on the tax and accounting implications before presenting to Committee or committing the Council to any such new, unusual or complex arrangements in order to fully appraise all potential impacts on the Council.

4.9 Stock

- 4.9.1 Each Executive Director shall be responsible for the care and custody of stocks in their Services, including periodical stocktaking and test checks, ensuring that all stocks are checked at least once in every financial year.
- 4.9.2 Stocks shall not be carried by any Service in excess of reasonable requirements, as determined by the Executive Director for that Service.
- 4.9.3 The Executive Director of Finance and Corporate Services shall receive from each Executive Director such information they require in relation to stocks for the accounting, costing and financial records. **Stocktaking guidelines** shall be issued annually by the Executive Director of Finance and Corporate Services as part of the financial year-end processes and must be followed.

- 4.9.4 Each Executive Director shall report any stock adjustments arising from perpetual, periodical or year-end stock checks to the Executive Director of Finance and Corporate Services who shall make the necessary financial and accounting record adjustments, after making any enquires and receiving such explanations as are required.
- 4.9.5 Stocks and stores records must be kept in a form to be agreed by each Executive Director with the Executive Director of Finance and Corporate Services.
- 4.9.6 Where not required elsewhere by the Council, surplus stocks shall be disposed of by each Executive Director in accordance with **disposal methods and procedures** set out by the Head of Revenue and Commercial Services.

4.10 Inventories

- 4.10.1 Facilities Management shall maintain inventories of furniture, fittings and equipment. Business Technology Solutions (BTS) shall maintain inventories of all computer equipment. For the remaining items such as machinery, scientific apparatus and other valuable property each Executive Director shall maintain inventories. Such inventories should be in a form as specified by the Executive Director Finance and Corporate Services and kept up to date at all times.
- 4.10.2 Facilities Management, BTS and each Executive Director shall be responsible for checking all items on the inventory during the year, for taking action in relation to identified surpluses or deficiencies, and for updating the inventory accordingly. Details of annual inventories should be held in a secure location and provided, on request, to the Executive Director of Finance and Corporate Services for asset register update.
- 4.10.3 Items on the Council's inventory shall not be removed from Council premises, otherwise than in accordance with the ordinary course of the Council's business, without the approval of the Executive Director concerned.
- 4.10.4 Where not required elsewhere by the Council, surplus inventory items shall be disposed of by the Executive Director in accordance with procedures set out by the Head of Revenue and Commercial Services.

4.11 Payroll, Pensions and Travel & Subsistence

- 4.11.1 The Executive Director of Finance and Corporate Services shall be responsible for the payment of all salaries, wages, pensions, compensation, travel expenses and other payments to all employees or former employees of the Council. This shall include the administration and regulation of travel and subsistence payments and pension administration.
- 4.11.2 Executive Directors shall conform to **Pay and Pensions Guidance** issued by the Executive Director of Finance and Corporate Services for the maintenance of controls, checks, submission of documents, records, procedures and timetables for computer data processing.
- 4.11.3 The determination of all salaries, wages and other allowances (other than Travel and Subsistence allowances) shall be a matter for decision or delegation by the Cabinet Committee.

- 4.11.4 Decisions relating to the payment of salaries, expenses and other allowances and changes to Conditions of Service, approved by the Council will be notified to the Executive Directors by the Executive Director of Finance and Corporate Services. It shall be the responsibility of Executive Directors to implement such decisions.
- 4.11.5 Executive Directors will notify the Executive Director of Finance and Corporate Services in a prescribed format and in accordance with approved timetables of all matters affecting payments in this section including:
- appointments, resignations, dismissals, suspensions, secondments and transfers;
 - absences from duty for sickness or other reasons apart from approved annual leave/flexi leave/TOIL;
 - changes in remuneration, other than normal increments, pay awards and agreements of general application;
 - information necessary to maintain records of service for pensions, Income Tax and National Insurance purposes; and
 - any cases where employees have been paid incorrectly.
- 4.11.6 Executive Directors are responsible for ensuring that appointments of staff within their Service are made in accordance with the staff structures approved by the Council.
- 4.11.7 All payroll and expenses claims, including overtime, allowances and travel & subsistence, must be submitted in a format approved by the Executive Director of Finance and Corporate Services and approved by an authorised manager on submission by the claimant.
- 4.11.8 Authorised approver lists are held on the appropriate systems with adequate approval around any amendments. These should be documented in the **Council's List of Officer Powers** as appropriate and will be made available to the Executive Director of Finance and Corporate Services by Executive Directors.
- 4.11.9 Approvers may only certify claims from officers junior to themselves. All claims by Heads of Service must be certified by an Executive Director, and those by Executive Directors by the Chief Executive.
- 4.11.10 Executive Directors should ensure that authorisation and internal control procedures are applied within the activity of payroll and pensions.
- 4.11.11 Certification of any expenses claim by Executive Directors or nominated Officers indicates satisfaction as to the accuracy of the claim and that it agrees with all terms of the **Council's Travel and Subsistence Regulations**.
- 4.11.12 Executive Directors will regularly review the arrangements in place within their Services for the certification of any expenses claim to ensure that checks are being performed to the standards detailed in the **Council's Travel and Subsistence Regulations**.
- 4.11.13 Executive Directors will timeously provide the Executive Director of Finance and Corporate Services with any details required for the annual return of taxable emoluments.

- 4.11.14 The Executive Director of Finance and Corporate Services will maintain a procedure to be applied in cases of incorrect payment to employees.
- 4.11.15 The Executive Director of Finance and Corporate Services will be responsible for transmitting pension contributions to the Council Pension Fund and payment of statutory payroll deductions, including Income Tax and National Insurance, to HM Revenue and Customs within statutory timescales.

4.12 Councillors' Remuneration and Expenses

- 4.12.1 Payment of Councillors' Remuneration and Expenses will be in accordance with the **Scottish Government's 'Councillors Remuneration, Allowances and Expenses Guidance'** as adopted by the Council.
- 4.12.2 Remuneration is based on four levels of payment, depending on the responsibilities of the Councillors. Payment of remuneration will be made in 13 equal instalments by the Executive Director of Finance and Corporate Services. Councillors are not required to submit a claim for remuneration.
- 4.12.3 Fife Councillors may be appointed to a Joint Board as either a Convener or Vice Convener. Depending on the level of the remuneration the Councillor is receiving from the Council, they may be eligible to receive a higher remuneration. The level of this remuneration will also be in accordance with the **Scottish Government's 'Councillors Remuneration, Allowances and Expenses Guidance'**. The difference in the remuneration payable will be recovered from the relevant Joint Board.
- 4.12.4 Councillors are entitled to payment of travel and subsistence expenses, or other expenditure reasonably incurred while on approved duties. Councillors are required to input claims through the Oracle Cloud system and retain receipts in support of any expenses or allowances claimed. Details of the timetable for submission and rates applicable are available from the Executive Director of Finance and Corporate Services.
- 4.12.5 The Head of Legal and Democratic Services will maintain a Councillors' Register of all remuneration and expenses paid to or on behalf of Councillors, detailing name, amount and nature of payment. **An annual publication of the Councillors' Remuneration and Expenses** is available on the Council's website.
- 4.12.6 The Executive Director of Finance and Corporate Services will ensure procedures and controls are in place to approve and process payments accurately.

4.13 Retention of Documents (Including Financial Documents)

- 4.13.1 Full details of the document retention periods for all documents can be found in the Council's Records Retention Schedule and further guidance can be found in the **Council's Information and Records Management Policy**.
- 4.13.2 The Council Records Manager will be responsible for advising on records retention and destruction as well as on other information, records management matters and Public Records (Scotland) Act compliance.

- 4.13.3 Executive Directors will be responsible for the implementation of the **Council's Information and Records Management Policy** within their Directorate. Each Service should assign responsibility for records management to Information Asset Owners (IAO's) within their Service. They will typically be the point of contact for discussions pertaining to Records Management, Data Protection and Information Security.
- 4.13.4 Within each Directorate, the Executive Director will be responsible for appointing IAO's for each Service. The IAO will typically be the Service Manager responsible for the Service managing the information concerned. The IAO will be responsible for all information within their Service and liaise with the Council Records Manager to maintain Records Retention Schedules. The IAO will be responsible for approving changes to Retention Schedules within their Service. In addition, all financial records must be retained in line with retention rules and destroyed in line with agreements that have been approved by the Executive Director of Finance and Corporate Services.

5. RISK MANAGEMENT AND CONTROL OF RESOURCES

5.1 Property and Security

- 5.1.1 Each Executive Director shall be responsible for proper security at all times of the property (including access to buildings after opening hours), cash, stock, stores, furniture, equipment, etc., under their control.
- 5.1.2 Executive Directors must ensure that Services comply with the Council's policy on their responsibilities of persons in control of relevant premises, including monitoring and managing compliance with the buildings and installed plant sections for each location, which are contained within the **Council's Health and Safety Framework**.
- 5.1.3 Each Executive Director shall consult with the Executive Director of Finance and Corporate Services where special security arrangements are required and the Executive Director of Finance and Corporate Services shall advise in any case where security appears to them to be inadequate.
- 5.1.4 Wherever appropriate, the Executive Director of Finance and Corporate Services shall seek and take account of advice on security issues from other sources within the Council.
- 5.1.5 The Executive Director of Finance and Corporate Services shall advise the maximum limits for cash holdings and these limits must not be exceeded except with the permission of the Executive Director of Finance and Corporate Services.
- 5.1.6 Keys to safes and similar containers shall be carried by the nominated officer or held in a secure place if this is impracticable.
- 5.1.7 A register of key holders shall be held for each location. The Executive Director of Finance and Corporate Services will advise on matters relating to information security. Wherever appropriate, they shall seek and take account of advice on security issues from other sources within the Council.

- 5.1.8 Arrangements for the security of Information Systems/Technology, and associated data, software and services are detailed in the **Information System Security Policies** which should be complied with at all times.

5.2 Information Governance and Security

- 5.2.1 Each Executive Director shall be responsible for the proper governance of information and data under their control.
- 5.2.2 The Executive Director of Finance and Corporate Services issues advice on the collection, security, use and disposal of data which is contained in the **Council's Information and Cyber Security Guidelines** which must be followed at all times.
- 5.2.3 The Head of BTS is responsible for the security and storage of data while it is held within the Council's assured digital solutions and the management of all risks relating to those solutions.

5.3 Gifts, Hospitality and Conduct

- 5.3.1 Executive Directors are responsible for ensuring that all staff are aware of the terms of the **Council's Code of Conduct for Employees**, including **Supplementary Guidance on Hospitality and Gifts** and that they comply with the conditions therein.
- 5.3.2 The Executive Director of Finance and Corporate Services shall ensure that all Councillors have signed the declaration of acceptance of offer of office that includes an undertaking for Councillors to meet the requirements of **Councillors' Code of Conduct** in the performance of their functions.
- 5.3.3 In this regard, all Councillors will be issued with a copy of the **Code and guidance issued by the Standards Commission for Scotland**.

5.4 Prevention and Detection of Irregularities, Fraud and Corruption

- 5.4.1 The Council's Strategy and Response Plan for the Prevention and Detection of Fraud and Corruption outlines the Council's approach to counter fraud and corruption. The **Council's "Fraud – A Guide to Your Role"** document explains the role of Council employees in responding to suspected financial misconduct, fraud, theft and corruption and the protection they have under the **Council's Whistleblowing Policy** when reporting fraud.
- 5.4.2 The Council will be robust in dealing with any financial malpractice and can be expected to deal timeously and thoroughly with any person who attempts to defraud the Council or who engages in corrupt practices, whether they are Councillors, employees, consultants, contractors or other suppliers, benefit claimants, tenants or unrelated third parties.
- 5.4.3 Executive Directors are required to notify the Executive Director of Finance and Corporate Services immediately on becoming aware of all financial irregularities or suspected irregularities or of any circumstances which may suggest the possibility of irregularities, including those affecting cash, stores, contracts or property.

- 5.4.4 Concerns relating to potential fraud and corruption are likely to be in the public interest. Employees can raise these concerns through the **Council's Whistleblowing Policy**.
- 5.4.5 The Executive Director of Finance and Corporate Services shall inform the Chief Executive in cases where it appears to the Executive Director of Finance and Corporate Services that there may be a criminal offence involved and shall take such steps, by way of investigation and report, as may be considered necessary.
- 5.4.6 In the event that any transactions, activities or contracts initiated or under the direct supervision of the Executive Director of Finance and Corporate Services are brought into question, the Chief Executive will assume the reporting arrangements which would otherwise be undertaken by the Executive Director of Finance and Corporate Services.
- 5.4.7 In all circumstances of financial irregularity, if investigations indicate that there are reasonable grounds for believing that a criminal offence has occurred, the Executive Director of Finance and Corporate Services will arrange for the matter to be reported to Police Scotland as appropriate.
- 5.4.8 The Council's Disciplinary Procedures will be used where the outcome of investigation indicates improper behaviour on the part of employees.
- 5.4.9 Where loss has been suffered through fraudulent activity, the Council will pursue the perpetrator for recovery, including taking legal action where appropriate.

5.5 Risk Management

- 5.5.1 The **Council's Risk Management Policy and Strategy** document is approved by the Standards, Audit and Risk Committee. It is subject to at least one formal comprehensive review during each administrative term, at intervals not exceeding five years. Any material amendments made to the document will be presented to the Council's Standards, Audit and Risk Committee for approval.
- 5.5.2 The **Council's Risk Management Policy and Strategy** provides direction surrounding the management of risk and ultimately supports the achievement of objectives and delivery of outcomes, protect staff, assets and the local community, as well as help to ensure financial sustainability. Whilst risk management is the responsibility of all Elected Members and Council officers, the principal roles and responsibilities for risk management are set out within the **Risk Management Policy and Strategy**.
- 5.5.3 The Council will maintain a Strategic Risk Register. The risks within the Strategic Risk Register and the internal control frameworks in place to mitigate them will be monitored, reviewed, and assessed on an ongoing basis. Horizon scanning and escalation processes and procedures are in place to support this. Risk appetite will be defined and communicated for each of the Council's strategic risks. Directorate / Service-level Risk Registers, which reflect risks at a service level, where the impacts are predominantly operational will also be maintained.

- 5.5.4 Each Executive Director is responsible for strategic and operational risk management in their own Directorate in line with the Council's Risk Management Policy, Strategy and supporting procedures and will nominate one or more senior officer from within their Directorate to lead on, oversee and promote risk management locally.
- 5.5.5 A Risk Management Strategy Group, chaired by the Executive Director of Finance and Corporate Services as Senior Responsible Officer for Risk and attended by key officers from every Directorate in the Council, will meet on a regular basis. The Risk Management Strategy Group will be responsible for providing oversight on the Council's risk management arrangements, including reviewing the **Council's Risk Management Policy and Strategy**, establishing and maintaining the Council's risk appetite, monitoring the Council's Strategic Risk Register and overseeing progress made towards implementing the Risk Management Improvement Plan.
- 5.5.6 Risk management update reports, including updates on the Strategic Risk Register and information surrounding developments to the Council's risk management arrangements, will be compiled, and presented to the Council Executive Team and Standards, Audit and Risk Committee in line with the Policy and Strategy document.

5.6 Insurance

- 5.6.1 In consultation with other Executive Directors, the Executive Director of Finance and Corporate Services shall be responsible for insurance management, including the appointment of brokers, advisers, underwriters, claims handlers and insurers, required to provide commercial insurances for those risks that may pose a threat to the Council's financial stability.
- 5.6.2 Executive Directors shall notify the Executive Director of Finance and Corporate Services immediately of any claim or legal action received from a 3rd party and any loss, liability, damage or any incident which may give rise to a claim in connection with their Service or area of responsibility, whether or not covered by insurance.
- 5.6.3 In order to comply with the Insurance Act 2015, Executive Directors must advise every material circumstance that the Council 'knows' or 'ought to know' or provide sufficient information to put a prudent insurer on notice that it needs to make further enquiries for the purpose of revealing those material circumstances.
- 5.6.4 Executive Directors shall give prompt notification to the Executive Director of Finance and Corporate Services of all new or increased risks to be considered for insurance and of any changes which could affect insurable risks.
- 5.6.5 The Executive Director of Place shall ensure that any changes to a property's occupancy and any property additions, disposals or alterations to a property that may affect the insured value are notified at the earliest opportunity to the Executive Director of Finance and Corporate Services to ensure that appropriate property insurance is in place.

- 5.6.6 Executive Directors will provide an annual return of fee income received for professional services provided to third parties and additionally Executive Directors should advise the Executive Director of Finance and Corporate Services of any new instances of provision of professional service to third parties to allow appropriate professional indemnity insurance to be purchased.
- 5.6.7 Executive Directors shall notify the Executive Director of Finance and Corporate Services immediately of any change to the delivery of services or functions either outsourced or in-sourced to allow appropriate insurances to be arranged.
- 5.6.8 Executive Directors must notify the Executive Director of Finance and Corporate Services of all major capital and revenue projects at an early stage if insurance cover or specialised insurance advice is required. Failure to provide this information at an early stage will impact on the ability to arrange insurance in time and may affect the cost to insure these projects longer term / once completed.
- 5.6.9 The Executive Director of Finance and Corporate Services shall, annually or at such other period as they may consider necessary, review all insurances in consultation with other Executive Directors as appropriate.
- 5.6.10 All appropriate employees shall be included in a fidelity guarantee policy.
- 5.6.11 Insurance cover against accidents to Councillors of the Council shall be arranged as provided for in Section 86 of the 1973 Act. Personal accident cover shall also be effected for officers and other employees as may be agreed by the Council.
- 5.6.12 The ***Council's List of Officer Powers*** sets out when Executive Directors and the Chief Executive are authorised to make ex gratia payments in cases not covered by insurance.
- 5.6.13 Executive Directors shall consult with the Executive Director of Finance and Corporate Services and the Head of Legal and Democratic Services regarding the terms of any indemnity which the Council is requested to give.
- 5.6.14 Executive Directors should not make any admission of liability, take any action which may be construed as an admission of liability or waive any rights of recovery.
- 5.6.15 Executive Directors must ensure that any mandatory actions or improvements arising from an insurer risk review or survey, are either implemented within agreed timescales or consult with insurers to negotiate an alternative. Due consideration should also be given to implementing or any advisory actions or improvements proposed by the Council's insurers.

6. EXTERNAL FINANCIAL ARRANGEMENTS

6.1 Awards to Voluntary Organisations and Individuals

- 6.1.1 The Council is committed to the principles of Audit Scotland's 'Code of Guidance on Funding External Bodies and Following the Public Pound' and as a result remains accountable to the public to ensure that its money is well spent.

6.1.2 Each Executive Director shall be responsible for ensuring that all awards to voluntary organisations and individuals are made in accordance with the ***Council's Monitoring and Evaluation Framework***. In particular:

- all non-recurring grants of £5,000 and under from an approved scheme are made under delegated powers;
- any non-recurring grants of over £5,000 or out with an approved scheme are approved in advance by the appropriate Committee;
- information on all recurring and non-recurring grants is passed without delay to the Community Investment Team in Communities Directorate in order that a comprehensive, central database can be maintained;
- all recurring grants are approved in advance by Committee;
- all monitoring checks must be completed before grant awards are presented to Committee for decision-making; and
- recurring awards for £10,000 and under are made in a single payment; awards of over £10,000 are paid quarterly in advance.

6.2 Partnerships and Joint Ventures, External Funding and Working for Third Parties

Partnerships

- 6.2.1 The Executive Director of Finance and Corporate Services will advise Executive Directors on the effective controls required from such partnerships to ensure that the Council's resources are not wasted. Such advice should address the key elements of funding projects including scheme appraisal, risk and management appraisal, resourcing and transaction issues, and audit and security controls as well as ensuring that the appropriate budgetary management and control is in place.
- 6.2.2 Each Executive Director shall be responsible for ensuring that all tax implications including VAT for projects/ventures entered into with partner organisations are determined and investigated before the Council becomes contractually or otherwise obligated.
- 6.2.3 Executive Directors should ensure that prior to entering into agreements with external bodies that a risk management appraisal, including business case as appropriate, has been completed, that agreements and arrangements made do not impact adversely upon the services already provided by the Council, and that appropriate advice where necessary has been taken from the Head of Legal and Democratic Services.
- 6.2.4 Executive Directors must also ensure that all agreements and arrangements are properly documented and that the Executive Director of Finance and Corporate Services is provided with appropriate information to enable notes to be entered into the Council's Annual Accounts.
- 6.2.5 Executive Directors will ensure that a report of the performance and outcomes from all the partnerships are submitted to the appropriate Committee.

- 6.2.6 If the Council has in operation Joint Committees/Partnerships where the activity of such Committees/Partnerships are administered by Officers who may be Officers of the Council or other partners a Guidance Note relevant to these activities will be prepared and should operate in conjunction with the sections in this document.
- 6.2.7 As part of its joint working with the Health Service under the Health and Social Care Partnership, the Council has agreed Fife Integration Joint Board Financial Regulations. As they effect the Council's operations, the Fife Integration Joint Board Financial Regulations are in all respects subservient to these Financial Regulations.
- 6.2.8 Where any other partnership Financial Regulations are agreed they will in all aspects be subservient to these Financial Regulations.

External Funding (e.g. Grants received)

- 6.2.9 External funding is potentially a very important source of income to the Council, but the conditions attached need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council.
- 6.2.10 Executive Director of Finance and Corporate Services should ensure that arrangements are in place to receive and properly record such income in the Council's accounts, that audit and accounting requirements are met, and that the funding requirements are considered prior to entering into any agreements.
- 6.2.11 Executive Directors must ensure that the project progresses in accordance with the agreed terms and that all expenditure is properly incurred and recorded. They must also ensure that claims for funds are made by the due date.

Working for Third Parties

- 6.2.12 **Legislation** allows the provide a range of services to other bodies. Arrangements must be in place to ensure that any risk associated with this work is minimised and that such work is intra vires.
- 6.2.13 The Executive Director of Finance and Corporate Services is responsible for the issue of any **financial guidance associated with working for third parties**, including arrangements for the maintenance of contract registers.
- 6.2.14 For their part Executive Directors must ensure that:
- the approval of relevant Committees is obtained before any negotiations are concluded to work for third parties;
 - a register of all contracts entered into with third parties is maintained in accordance with procedures specified by the Executive Director of Finance and Corporate Services;
 - appropriate insurance arrangements are made;
 - no contracts are subsidised by the Council without formal approval;
 - wherever practicable, payment is received in advance of the delivery of the service;
 - the Service has the appropriate expertise to undertake the contract;
 - such contracts do not impact adversely upon the services provided by the

- Council;
- all contracts are properly documented; and
- the Executive Director of Finance and Corporate Services is provided with appropriate information to enable notes to be entered into the Council's Annual Accounts.

6.3 Subsidy Control (formerly State Aid)

- 6.3.1 Subsidy Control has replaced the concept of “state aid” which was repealed from UK law on 31 December 2020. The UK’s relationship with the EU is now governed by the Trade and Cooperation Agreement 2020 (the TCA). This is an international agreement but it is not law. This is supplemented by the ***UK Government’s ‘Guidance on the UK’s international subsidy control commitments’***. Officers should ensure that up to date advice is sought from the Head of Legal and Democratic Services on projects or transactions involving subsidy control.
- 6.3.2 It shall be each Executive Director’s responsibility to ensure that the Council fully complies with subsidy control provisions in respect of any funding or subsidy granted by the Council to an Undertaking. Each Executive Director shall ensure that a Subsidy Control Risk Assessment is undertaken where they consider that such funding or subsidy could potentially be subject to subsidy control and a copy of the Risk Assessment should be forwarded to the Head of Legal and Democratic Services.

6.4 Shared Services

- 6.4.1 Shared Services are arrangements where the Council collaborates with other public authorities to obtain works, goods or services. These types of arrangements are excluded from the full application of the Public Contracts (Scotland) Regulations 2015 provided certain criteria are met (Regulation 13(8) refers) and therefore do not need to be publicly tendered.
- 6.4.2 Identification of a Shared Service arrangement should be undertaken following consultation with the Executive Director of Finance and Corporate Services and should only be entered into where the Executive Director of the relevant service can demonstrate that such arrangement represents best value to the Council.
- 6.4.3 Approval to enter into a Shared Service arrangement should be sought from the relevant Committee.
- 6.4.4 Shared Service arrangements may only be entered into on written terms and conditions approved by the relevant Executive Director following consultation with the Head of Legal and Democratic Services.
- 6.4.5 The Head of Revenue and Commercial Services shall maintain a register of agreements for shared services and each relevant Executive Director shall ensure that the prescribed information as detailed by the Head of Revenue and Commercial Services is communicated to them on an annual basis.
- 6.4.6 All Shared Service arrangements should be subject to review and renewal of approval by the relevant committee at least every four years.

6.5 Sponsorship

- 6.5.1 Sponsorship is defined as “Any commercial agreement by which a sponsor, for the mutual benefit of the sponsor and the sponsored party, contractually provides financing or other support in order to establish an association between the sponsor’s image, brands or products and a sponsorship property in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits”.
- 6.5.2 Commercial Sponsorship arrangements must comply with the **Council’s Advertising and Sponsorship Policy and Procedures** which is managed jointly by the Communications Manager and Head of Revenue Commercial Services and monitored through multi-service working group that meets twice a year.
- 6.5.3 Any terms and regulations relating to the sponsorship activities should include reference to the fact that they are subject to review by the Council’s Audit and Risk Management Service.

16 May 2024

Agenda Item No. 10

Notice of Motions

Report by: Head of Legal and Democratic Services

Wards Affected: All

Purpose

In terms of Standing Order No. 10, the attached notice of motions have been submitted.

Recommendation(s)

Council is asked to consider the motions.

Resource Implications

Not applicable.

Legal & Risk Implications

Not applicable.

Impact Assessment

Not applicable.

Consultation

Not applicable.

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Motion 1

Employers Pension Fund

Council:

- (1) Notes the reduction in employers pension contributions and welcomes the positive impact on finances for employers in the fund.
- (2) Notes that this was a result of a favourable triennial actuarial valuation with strong investment performance and a reduction in value of future liabilities meaning a modest reduction in employers contributions were possible.

Proposed by Councillor Dave Dempsey

Seconded by Councillor Gordon Pryde

Motion 2

Reducing the default 30pmh speed limit to 20mph

Council:

- (1) notes the potential for a reduction in the default 30mph speed limit to 20mph;
- (2) notes and commends Fife's record in introducing 20mph limits and zones;
- (3) considers that any changes in speed limits in Fife should result from local demand and involve consultation with local members and other interested parties; and
- (4) asks Transportation Services to act accordingly in taking forward any changes.

Proposed by Councillor Dave Dempsey
Seconded by Councillor Robin Lawson

Motion 3

Supporting Our Communities from Flooding Across Fife

Council notes:

That the changing climate of Scotland has meant the frequency of severe storms has increased, meaning more and more areas are at high risk of flooding.

Communities like Cupar, Freuchie Mill and Rosyth have already been severely impacted by flooding events such as by Storm Gerritt. These communities have had to evacuate homes and close their businesses with no real timescales of when they can return.

The council is pleased with the current progress that has been done to deliver the property flood resilience grant scheme, initial survey work and what has been committed to in the council budget for 2024, however more needs to be done to support Fife communities.

The UK Government's Bellwin Scheme can provide local authorities extra funding for emergency situations, such as flooding or storm damage, but despite it being utilised by the Scottish Government 17 times over the last four years, it has only provided local authorities with funding twice.

Council believes:

- i) More and more communities are at risk of being severely impacted by floods and it is vital that both Fife Council and national governments have strategies in place for when these incidents occur.
- ii) Fife Council cannot shoulder the financial burden of protecting our communities alone. The Scottish Government must do much more to ensure there is adequate funding in place should it be needed. The Scottish Government must also improve the engagement and communication between organisations such as SEPA, Scottish Water and Local Authorities to improve collaborations in order to take a more proactive approach to flood mitigation.
- iii) Landowners and farmers can also play a crucial role in flood management, as they are often best placed to understand what is needed to manage the burns, rivers and other waterways on their land.

Council calls for the Council leader to write to the Scottish Government to:

1. conduct an immediate audit of the use of the Bellwin Scheme in Scotland, to ensure it is fit for purpose.
2. ensure the availability of additional grants and other forms of funding, which would be payable directly to homeowners and business owners in weather events beyond those classified as Amber by the Met Office.

Council calls for:

1. Officers to conduct a review to identify whether the current resource is sufficient for regular drain and gully clearing and will report back on the results to cabinet.
2. A continuation of its work to ensure all of its maps are up to date on all gullies and drains. This is likely to require further survey work to identify potential areas not currently being managed or maintained, this report will need to come back to cabinet committee.

3. A report on the consideration for roles related to flooding, specifically introducing a dedicated flood manager and a separate harbour & coastline manager. This report should be reported back to cabinet committee.

Proposed by Councillor Margaret Kennedy
Seconded by Councillor Al Clark

Motion 4

Impending Malnutrition and Famine in Gaza

“Before this crisis, there was enough food in Gaza to feed the population. Malnutrition was a rare occurrence. Now, people are dying, and many more are sick. Over a million people are expected to face catastrophic hunger unless significantly more food is allowed to enter Gaza.” - WHO Director-General Dr Tedros Adhanom Ghebreyesus 03/2024.

“One in three children under two years old in the Northern Gaza Strip suffer from acute malnutrition, a sharp increase from 15.6 per cent in January, a nutrition screening conducted by UNICEF and its partners showed.” – UN Committee on the Rights of the Child 21/03/2024.

Council notes:

1. That Gaza is facing a humanitarian crisis leading to the population facing hunger, malnutrition, and disease.
2. That aid agency data indicates that children have died in Gaza due to malnutrition and dehydration.

Council therefore requests that the Council Leader writes to the Foreign Secretary, the Prime Minister and COSLA President to state that Fife Council:

1. Supports the UN Security Council Resolution 2728 (‘Demands an immediate ceasefire for the month of Ramadan’, supported by HM Government) of 25/03/2024 – but recognises that the timeframe for that is now past and therefore, urges HM Government and all political parties to add their voice to call for an immediate sustainable bilateral ceasefire.
2. Is concerned about reports of impending malnutrition and famine in Gaza and calls on HM Government to add its weight to growing international calls that the unhindered provision of sufficient humanitarian aid to prevent famine and disease must be expedited.
3. Allowing civilians to starve is morally wrong and we can no longer remain silent as the people of Gaza starve.

Proposed by Councillor Mary Bain-Lockhart

Seconded by Councillor Kathleen Leslie